

COLBY BEUCK
CONFIDENTIAL TRANSCRIPT

6/20/2014

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<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS 2 CORPUS CHRISTI DIVISION 3 MARC VEASEY, et al.,) 4 Plaintiff,) 5 VS.) CIVIL ACTION NUMBER: 6 RICK PERRY, et al.,) 2:13-CV-193 (NGR) 7 Defendants.) 8) 9 UNITED STATES OF AMERICA,) 10 Plaintiff,) 11 VS.) CIVIL ACTION NUMBER: 12 TEXAS LEAGUE OF YOUNG VOTERS) 2:13-CV-263 (NGR) 13 EDUCATION FUND, et al.,) 14 Plaintiff-Intervenors,) 15 TEXAS ASSOCIATION OF HISPANIC) COUNTY JUDGES AND COUNTY) 16 COMMISSIONERS, et al.,) 17 Plaintiff-Intervenors,) 18 VS.) 19 STATE OF TEXAS, et al.,) 20 Defendants.) 21 TEXAS STATE CONFERENCE OF) 22 NAACP BRANCHES, et al.,) 23 Plaintiffs,) CIVIL ACTION NUMBER: 24 VS.) 2:13-CV-291(NGR) 25 NANDITA BERRY, et al.,) Defendants.)</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S 2 FOR THE UNITED STATES OF AMERICA: 3 Bruce Geer 4 U.S. JUSTICE DEPARTMENT CIVIL RIGHTS DIVISION Room 7254 NWB 5 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530 6 (202) 514-0828 bruce.geer@usdoj.gov 7 8 FOR THE TEXAS STATE CONFERENCE OF THE NAACP AND THE MEXICAN AMERICAN LEGISLATIVE CAUCUS: 9 Amy L. Rudd DECHERT, LLP 10 300 W 6th Street, Suite 2010 Austin, TX 78701 11 (512) 394-3040 amy.rudd@dechert.com 12 13 Sonia K. Gill LAWYERS' COMMITTEE FOR CIVIL RIGHTS 14 1401 New York Avenue, NW Suite 400 Washington, DC 20005-2124 15 (202) 662-8356 sgill@lawyerscommittee.org 16 17 FOR THE NAMED DEFENDANTS RICK PERRY, ET AL.: 18 John Scott Assistant Deputy Attorney General ATTORNEY GENERAL OF TEXAS 19 209 West 14th Street Austin, TX 78701 20 (512) 475-3281 john.scott@texasattorneygeneral.gov 21 22 FOR TEXAS LEAGUE OF YOUNG VOTERS' EDUCATION FUND: 23 Hasan Ali WILMER HALE 1875 Pennsylvania Avenue, NW 24 Washington, DC 20006 (202) 663-6262 hasan.ali@wilmerhale.com 25</p>
<p style="text-align: right;">2</p> <p>1 BELINDA ORTIZ, et al.,) 2 Plaintiffs,) 3 VS.) CIVIL ACTION NUMBER: 4 STATE OF TEXAS, et al.,) 2:13-CV-348(NGR) 5 Defendants.) 6) 7) 8 ***** 9 DEPOSITION OF 10 COLBY BEUCK 11 JUNE 20, 2014 12 ***** 13 HIGHLY CONFIDENTIAL 14 ORAL DEPOSITION OF COLBY BEUCK, produced as a 15 witness at the instance of the Plaintiff, was duly 16 sworn, was taken in the above-styled and numbered cause 17 on the JUNE 20, 2014 from 9:31 a.m. to 7:00 p.m., before 18 Chris Carpenter, CSR, in and for the State of Texas, 19 reported by machine shorthand, at the Office of the 20 Attorney General, 209 West 14th Street, Austin, TX 21 78701, pursuant to the Federal Rules of Civil Procedure 22 and the provisions stated on the record or attached 23 hereto. 24 25</p>	<p style="text-align: right;">4</p> <p>1 FOR THE WITNESS: 2 Linda Halpern Manager of Complex Litigation 3 ATTORNEY GENERAL OF TEXAS P.O. Box 12548 4 Austin, TX 78711-2548 MC109 (512) 475-1969 5 linda.halpern@texasattorneygeneral.gov 6 Brooke Paup Deputy Division Chief 7 Intergovernmental Relations Division ATTORNEY GENERAL OF TEXAS 8 P.O. Box 12548 9 Austin, TX 78711-2548 (512) 936-1381 brooke.paup@oag.state.tx.us 10 11 FOR THIRD-PARTY LEGISLATORS: 12 Arthur D'Andrea Assistant Solicitor General ATTORNEY GENERAL OF TEXAS 13 P.O. Box 12548 Austin, TX 78711-2548 14 (512) 936-2868 arthur.dandrea@oag.state.tx.us 15 16 17 18 19 20 21 22 23 24 25</p>

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THE REPORTER: If all Counsel would make their announcements and then I'll swear in the witness.

MS. RUDD: Amy Rudd of Dechert for the Texas State Conference of the NAACP and the Mexican American Legislative Caucus.

MS. GILL: Sonia Gill with the Lawyers Committee for Civil Rights Under Law representing MALC and Texas State Conference of the NAACP.

MR. GEER: Bruce Geer representing the United States.

MR. ALI: Hasan Ali of WilmerHale, representing the Texas League of Young Voters and Imani Clark.

MR. ANDREA: Arthur D'Andrea of the Texas Attorney General's Office representing the third party legislators.

MR. SCOTT: John Scott, Texas AG's Office, representing the Texas defendants.

MS. PAUP: Brooke Paup, Texas AG's Office, representing the witness.

MS. HALPERN: Linda Halpern, AG's Office, representing the witness.

(Witness sworn.)

MS. HALPERN: I'd like to get some clarification for the record. There are four of you

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sitting across the table from this witness. The rules allow for a seven-hour deposition, and I just want to make it clear at the outset that we understand that to mean that the entire deposition cannot last longer than seven hours. So to the extent that the four of you have a division of time you've agreed on, that's fine, but I want to give you fair warning now that we will not be running past seven hours. And so you have that -- you have that head's up to arrange yourselves so that nobody is left short at the end of the deposition.

The other thing is that we will from time to time be asserting legislative privilege. And in keeping with the judge's direction, for certain types of questions, notwithstanding the assertion of legislative privilege, the witness will be allowed to answer the questions. Those portions of the deposition will need to be under seal. We are doing so with reluctance but with the assurance that based on the court's statements, making such statements under seal will not be -- will not constitute a waiver of the privilege. And that -- that's it for us.

MS. RUDD: And just to follow up on that, and all of that is understood, we will also be using certain documents designated Highly Confidential, and it's my understanding that testimony about those

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<p style="text-align: right;">9</p> <p>1 documents will also be given under seal to the extent 2 testimony is given. 3 MS. HALPERN: I believe that's correct. 4 That's actually a call of the Defendants in this case 5 rather than the witness. 6 MR. SCOTT: And that is my understanding 7 of what the judge has agreed is waiting on a workup and 8 an agreed order from all the lawyers, which is being 9 circulated is -- or fixed to be circulated as we speak. 10 MS. RUDD: Okay. So what I'll try to do 11 when those documents come up in indicate that to the 12 court reporter. But if I fail to do so, someone speak 13 up and make sure that we -- we're doing that portion of 14 the deposition under seal. 15 MR. SCOTT: One of the things that came up 16 with the housekeeping issue, we raised it -- I raised it 17 with Bruce and Ezra, I think at our last deposition with 18 Representative Riddle. I saw an e-mail exchange today 19 that the court reporter in a deposition that was taken 20 the other day is having some difficulty is -- oh, it's 21 you -- has been asked to pull some of the sections out 22 as a result of -- to put them into a separate bound kind 23 of material. I think from a practical standpoint, 24 that's nearly impossible for someone to do. And so I 25 don't know -- again, I've thrown out that we put it</p>	<p style="text-align: right;">11</p> <p>1 Q. After all of that. 2 A. Okay. 3 Q. You've been deposed before, correct? 4 A. Correct. 5 Q. And that was in connection with the Section 5 6 litigation? 7 A. In 2011, correct. 8 Q. And have you been deposed at any other time 9 since then? 10 A. No. 11 Q. Have you given testimony in a court of law or 12 any other setting under oath? 13 A. No. 14 Q. Because you've been deposed before, I don't 15 want to belabor the sort of ground rules of deposition. 16 The most important thing is that we don't talk over each 17 other. Do you understand that? 18 A. Yes. 19 Q. And you need to give audible answers so "yes" 20 and "no" instead of "huh-huh" or "nuh-uh." Do you 21 understand that? 22 A. Yes. 23 Q. And if you need a break at any time, feel free 24 to ask, and we'll go off the record and take a break, 25 okay?</p>
<p style="text-align: right;">10</p> <p>1 under -- the entirety under seal. And just to the 2 extent somebody is using something that's not sealed, 3 they don't need any permission from anyone. But to the 4 extent they are, that they would simply make sure -- 5 it's going to be under seal, the deposition at that 6 point in time. Is that okay with everybody, at least 7 until we get an order? 8 MS. RUDD: That's fine with me. I think 9 that's a much easier way of doing it. 10 MR. SCOTT: Okay, great. 11 MS. HALPERN: So the entire deposition 12 will be under seal. 13 MS. RUDD: Right. So we're not going to 14 make that distinction when things come up. 15 MS. SCOTT: That's right. And that way, 16 it makes it much easier and smoother, I think. 17 MS. RUDD: Okay, that's fine. 18 COLBY BEUCK, 19 having been first duly sworn to testify the truth, the 20 whole truth, and nothing but the truth, testified as 21 follows: 22 EXAMINATION 23 BY MR. RUDD: 24 Q. Good morning, Mr. Beuck, how are you? 25 A. Good morning.</p>	<p style="text-align: right;">12</p> <p>1 A. Okay. 2 Q. What did you do to prepare for your deposition 3 today? 4 (Cell phone interruption.) 5 MS. RUDD: Sorry. 6 Q. (By Ms. Rudd). What did you do to prepare for 7 your deposition? 8 A. I had a meeting with my attorneys yesterday to 9 prepare for today's deposition. I reviewed my 10 deposition from 2011. 11 Q. And did you look at any documents in connection 12 with your preparation other than your deposition? 13 A. We reviewed documents that were turned over by 14 Representative Harless's office in connection with this, 15 this current case. 16 Q. Okay. So there are documents that weren't 17 turned over in connection with the Section 5 case but in 18 connection with this particular case, to your knowledge? 19 A. No, that's not -- I believe these documents 20 were in connection with this case. I don't know if they 21 were in connection with the case from 2011. 22 Q. You were asked to produce documents, 23 personally, in connection with this case; is that right? 24 A. Yes. 25 Q. And did you produce documents when you were</p>

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<p style="text-align: right;">13</p> <p>1 asked to in this case?</p> <p>2 A. I did an extensive review of my personal files,</p> <p>3 my files at work, and I did not have any responsive</p> <p>4 documents.</p> <p>5 Q. When did you perform that search?</p> <p>6 A. When I received the notice, the subpoena.</p> <p>7 Q. And that subpoena was issued in April of 2014;</p> <p>8 is that correct?</p> <p>9 A. I'd have to see the subpoena to answer that.</p> <p>10 Q. Well, it's not that important. Do you recall</p> <p>11 about when you performed the search?</p> <p>12 A. The spring.</p> <p>13 Q. Okay. And you couldn't find any responsive</p> <p>14 documents, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And is that because you were no longer working</p> <p>17 at Representative Harless's office at the time?</p> <p>18 A. Correct.</p> <p>19 Q. And so you do didn't retain any files or</p> <p>20 e-mails from your time working with Representative</p> <p>21 Harless; is that right?</p> <p>22 A. Correct.</p> <p>23 Q. And there was nothing in your personal computer</p> <p>24 that you retained in the way of e-mails or files from</p> <p>25 the time that you worked with Representative Harless?</p>	<p style="text-align: right;">15</p> <p>1 A. Primarily, I would say it would be her -- her</p> <p>2 personal e-mail.</p> <p>3 Q. And what about your e-mail address that you</p> <p>4 were sending and receiving e-mails from?</p> <p>5 A. My work e-mail.</p> <p>6 Q. Okay. And then today you work for</p> <p>7 representative -- or sorry, Senator Taylor, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And how do you primarily correspond with</p> <p>10 Senator Taylor, using your --</p> <p>11 MS. HALPERN: I'm going to object on the</p> <p>12 grounds of relevance. This is 2014. You're talking</p> <p>13 about events that happened in 2011. And I do not see</p> <p>14 any relevance with respect to what he does today.</p> <p>15 MS. RUDD: Understood.</p> <p>16 MS. HALPERN: Particularly given that he's</p> <p>17 wearing a counsel hat in his new position.</p> <p>18 Q. (By Ms. Rudd) What is your current title with</p> <p>19 Senator Taylor?</p> <p>20 A. General counsel.</p> <p>21 Q. And when did you take that position?</p> <p>22 A. I began to work for Taylor in January of 2013.</p> <p>23 Q. And that was after he had been elected to the</p> <p>24 Senate, correct?</p> <p>25 A. Yes. He was elected in November of 2012, and</p>
<p style="text-align: right;">14</p> <p>1 A. That's correct.</p> <p>2 Q. Talk to me about your use of e-mail at work. I</p> <p>3 know during the time you worked for Representative</p> <p>4 Harless, you used both an official e-mail address and</p> <p>5 also a personal e-mail address to correspond for work</p> <p>6 purposes; is that right?</p> <p>7 A. That's correct.</p> <p>8 Q. And did that continue after you left</p> <p>9 Representative Harless's office?</p> <p>10 A. I'm -- can you -- I'm not sure I</p> <p>11 understand. Did my -- can you restate the question?</p> <p>12 I'm sorry.</p> <p>13 Q. Do you continue to use personal and official</p> <p>14 e-mail addresses to correspond for work purposes today?</p> <p>15 A. With -- with who?</p> <p>16 Q. Well, anybody that you would be corresponding</p> <p>17 with in a work capacity.</p> <p>18 A. That would depend on who the individual was and</p> <p>19 which preferred way they would like for me to</p> <p>20 communicate with them.</p> <p>21 Q. Okay. Let's go back to the time when you were</p> <p>22 working for Representative Harless. At that time, would</p> <p>23 you say you corresponded with Representative Harless</p> <p>24 primarily using personal e-mail or your official work</p> <p>25 e-mail?</p>	<p style="text-align: right;">16</p> <p>1 was sworn in, in January of 2013.</p> <p>2 Q. And prior to that, he served as a</p> <p>3 representative?</p> <p>4 A. Correct.</p> <p>5 Q. Why did you take the job with Senator Taylor?</p> <p>6 A. I was interested in returning to the Senate. I</p> <p>7 had spent my -- my first year was in the legislature in</p> <p>8 the Senate, and I was interested in returning back to</p> <p>9 the Senate and was interested in continuing to grow</p> <p>10 professionally. It was a good move for myself</p> <p>11 professionally to be his general counsel.</p> <p>12 Q. And so up until you -- the time you took the</p> <p>13 job with Senator Taylor in January 2013, you were</p> <p>14 working for Representative Harless; is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. You didn't have any other jobs in-between the</p> <p>17 time you left Representative Harless's office and</p> <p>18 started working for Senator Taylor?</p> <p>19 A. That's correct.</p> <p>20 Q. And so you were employed with Representative</p> <p>21 Harless from 2009 to the end of 2012, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And I think you previously testified that while</p> <p>24 you were working for Representative Harless, you served</p> <p>25 as the chief of staff, correct?</p>

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<p style="text-align: right;">17</p> <p>1 A. Yes.</p> <p>2 Q. And you analyzed policies at her office?</p> <p>3 A. Yes.</p> <p>4 Q. And you handled issues raised in the State</p> <p>5 Affairs Committee on which she served?</p> <p>6 A. Yes.</p> <p>7 Q. And you also handled Voter ID issues for</p> <p>8 Representative Harless in the 2011 Legislative Session,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. You wouldn't have handled issues related to</p> <p>12 Voter ID in -- in the 2009 session; is that right?</p> <p>13 A. That was not my -- I was not -- that was not a</p> <p>14 legislative session. I believe I was still working for</p> <p>15 the Lieutenant Governor at that point. And when I was</p> <p>16 working for the Lieutenant Governor, that was not my job</p> <p>17 responsibility.</p> <p>18 Q. Okay. Let's talk about -- I'm really going to</p> <p>19 try not to retread old ground in this deposition, but</p> <p>20 because of the legislative privilege issues, I have to</p> <p>21 ask certain questions again just to see if I can get an</p> <p>22 answer on the record. So just bear with me.</p> <p>23 Let's talk first about House Bill 112.</p> <p>24 That was the bill that was authored by Representative</p> <p>25 Harless in the 2011 session, correct?</p>	<p style="text-align: right;">19</p> <p>1 correct?</p> <p>2 A. He was the Senate, Senate author, yes.</p> <p>3 Q. Did Representative Harless say why she wanted</p> <p>4 to file this particular bill, HB 112?</p> <p>5 MS. HALPERN: I'm going to object on the</p> <p>6 grounds of legislative privilege, and I'm going to</p> <p>7 direct him not to answer that. You can ask him what he</p> <p>8 thought, what his thoughts and impressions were, but</p> <p>9 I don't think he's in a position to testify as to what</p> <p>10 somebody else was thinking.</p> <p>11 MS. RUDD: Well, the question was whether</p> <p>12 Representative Harless told Mr. Beuck why she wanted to</p> <p>13 file HB 112.</p> <p>14 MS. HALPERN: You can answer that</p> <p>15 question. Did she tell you?</p> <p>16 A. She was interested in filing Voter ID</p> <p>17 legislation because of the -- the support for that type</p> <p>18 of legislation from her constituents.</p> <p>19 Q. (By Ms. Rudd) And did that support predate</p> <p>20 your coming to work for Representative Harless, if you</p> <p>21 know?</p> <p>22 A. I can't speak to my time prior to</p> <p>23 representative -- prior to my employment in her office.</p> <p>24 Q. And did she describe to you the type of support</p> <p>25 that she was hearing from constituents about Voter ID</p>
<p style="text-align: right;">18</p> <p>1 A. Yes.</p> <p>2 Q. And that was a piece of Voter ID legislation as</p> <p>3 well, correct?</p> <p>4 A. Yes.</p> <p>5 Q. You previously testified that you helped</p> <p>6 develop House Bill 112; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And when you say you helped develop it, you</p> <p>9 helped draft it and also researched the bill?</p> <p>10 A. Correct.</p> <p>11 Q. And when you were drafting and researching the</p> <p>12 bill, you had contact with a number of people, correct?</p> <p>13 A. Yes.</p> <p>14 Q. You spoke to Representative Harless about the</p> <p>15 bill prior to its filing, correct?</p> <p>16 A. Yes.</p> <p>17 Q. You spoke to -- I believe you said Bryan</p> <p>18 Hebert -- is that how you pronounce it?</p> <p>19 A. Yes.</p> <p>20 Q. In the Lieutenant Governor's office, right?</p> <p>21 A. Correct.</p> <p>22 Q. And you spoke to Janice McCoy in Senator</p> <p>23 Fraser's office, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Senator Fraser was one of the authors of SB 14,</p>	<p style="text-align: right;">20</p> <p>1 legislation?</p> <p>2 A. There were -- there were constituents who had</p> <p>3 been in contact with her as their representative asking</p> <p>4 for the legislature to move forward with Voter ID</p> <p>5 legislation. That's my understanding.</p> <p>6 Q. Do you have any sense for how many constituents</p> <p>7 reached out to Representative Harless with regard to</p> <p>8 Voter ID legislation?</p> <p>9 A. No. I think that would be an appropriate</p> <p>10 question for her, but I don't have an idea on that.</p> <p>11 Q. Okay. Do you know the identity of any</p> <p>12 constituents who reached out to Representative Harless</p> <p>13 with respect to Voter ID legislation during your tenure</p> <p>14 in her office.</p> <p>15 MS. HALPERN: And I'm going to assert</p> <p>16 legislative privilege. Since we're under seal, I'm</p> <p>17 going to allow the witness to answer the question, but I</p> <p>18 want to note the objection on the record now.</p> <p>19 MS. RUDD: Noted.</p> <p>20 A. Individual identities of the constituents? No.</p> <p>21 Q. (By Ms. Rudd) Did you ever speak to any</p> <p>22 constituents during your time with Representative</p> <p>23 Harless's office about Senate Bill 14?</p> <p>24 A. Yes.</p> <p>25 Q. Can you describe the context in which those</p>

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<p style="text-align: right;">21</p> <p>1 conversations took place?</p> <p>2 A. A variety of ways. E-mails from constituents,</p> <p>3 phone calls from constituents.</p> <p>4 Q. Okay.</p> <p>5 A. Office visits from constituents.</p> <p>6 Q. Okay. Let's start with constituents. Did you</p> <p>7 speak to constituents personally about their support for</p> <p>8 Voter ID -- Voter ID legislation?</p> <p>9 A. I spoke with constituents on all, a variety of</p> <p>10 issues: Support, those for and against.</p> <p>11 Q. For those constituents who supported Voter ID</p> <p>12 legislation, do you recall what the basis for their</p> <p>13 support of that type of legislation was?</p> <p>14 MS. HALPERN: Objection, vague. You're</p> <p>15 assuming they all had one?</p> <p>16 A. That's -- it would be generalizing my -- any --</p> <p>17 you know, the answer I would have would be generalizing</p> <p>18 the constituents' concerns.</p> <p>19 Q. (By Ms. Rudd) Okay. Let's do it this way.</p> <p>20 What types of things were constituents telling you about</p> <p>21 why they might want Voter ID legislation just as a</p> <p>22 general matter?</p> <p>23 A. Concerns about the integrity of the voting</p> <p>24 process. That would be the major concern.</p> <p>25 Q. Okay. When you say integrity of the voting</p>	<p style="text-align: right;">23</p> <p>1 with that constituent so we would have a record.</p> <p>2 Q. And would a constituent reporting some problem</p> <p>3 at the ballot box be something that would require a</p> <p>4 follow-up in your mind?</p> <p>5 A. It would entirely depend on the situation that</p> <p>6 they were describing. If it was something that they had</p> <p>7 already reported, that had already gone through the</p> <p>8 process or -- it really would entirely depend on the</p> <p>9 situation.</p> <p>10 Q. One of the purposes, at least from your</p> <p>11 office's perspective, sorry, strike that.</p> <p>12 One of the purposes of HB 112 from</p> <p>13 Representative Harless's office's perspective was to</p> <p>14 protect the integrity of the ballot box; is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. In connection with developing that piece of</p> <p>17 legislation, was it important for you in her office to</p> <p>18 keep data about problems with voting at the ballot box?</p> <p>19 A. When I was researching the overall issue of</p> <p>20 voter identification, I tried to gather the information,</p> <p>21 all information available in my fact-finding research</p> <p>22 process.</p> <p>23 Q. What sources did you turn to, to gather that</p> <p>24 type of information?</p> <p>25 A. Studies, court cases, laws in other states.</p>
<p style="text-align: right;">22</p> <p>1 process, what do you mean specifically?</p> <p>2 A. People voting who should not be voting.</p> <p>3 Q. Did you receive communications from</p> <p>4 constituents with regard to voting ID legislation where</p> <p>5 the constituents were expressing some knowledge of</p> <p>6 problems with the integrity of the voting process?</p> <p>7 A. Can you we state that? I'm sorry.</p> <p>8 Q. Did you ever receive any specific reports from</p> <p>9 constituents who you spoke with about problems at the</p> <p>10 ballot box in terms of, you know, people voting who</p> <p>11 shouldn't have been?</p> <p>12 A. Okay. Yes, I believe I did have some</p> <p>13 constituents report to me their personal accounts of</p> <p>14 voter misconduct.</p> <p>15 Q. When you had conversations like that with</p> <p>16 constituents, did you log the conversations in any way</p> <p>17 or make notes of them somewhere?</p> <p>18 A. Phone conversations? Is this regarding phone</p> <p>19 conversations?</p> <p>20 Q. Let's start with that.</p> <p>21 A. Okay. It depended. It -- sometimes, yes;</p> <p>22 sometimes, no.</p> <p>23 Q. Okay. When would you actually make a log of a</p> <p>24 conversation with a constituent typically?</p> <p>25 A. If there was a follow-up that needed to be done</p>	<p style="text-align: right;">24</p> <p>1 Q. Okay. I want to focus you just on the issue of</p> <p>2 problems with people voting who shouldn't have been</p> <p>3 voting. So people either committing in-person voter</p> <p>4 fraud or sending in absentee ballots under a different</p> <p>5 person's name, things of that nature, what did you do in</p> <p>6 developing HB 112 to gather information about those</p> <p>7 types of situations?</p> <p>8 MS. HALPERN: Objection, compound.</p> <p>9 Q. (By Ms. Rudd) If anything?</p> <p>10 A. Okay, those are two different -- HB 112 was</p> <p>11 focused on in-person voting.</p> <p>12 Q. Okay. So what did you do to gather</p> <p>13 information, if anything, about problems within</p> <p>14 in-person voting?</p> <p>15 A. Like I mentioned, the researching studies,</p> <p>16 court cases, reports, media reports, statistics, the</p> <p>17 information that was relevant to the purpose of HB 112.</p> <p>18 Q. Let's talk about each of those things. When</p> <p>19 you say studies, can you remember any specific studies</p> <p>20 that you referred to that dealt with instances of</p> <p>21 in-person voter fraud in Texas?</p> <p>22 A. In Texas?</p> <p>23 Q. Yes.</p> <p>24 A. I can't recall.</p> <p>25 Q. When you say you can't recall, is it because</p>

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<p style="text-align: right;">25</p> <p>1 you don't think you referred to any studies that -- that 2 dealt with in-person voter fraud in Texas or because you 3 just don't know what studies you've looked at, at all? 4 A. I can't recall because it's been quite some 5 time, so I can't -- I just -- I don't remember. 6 Q. Okay. But as you sit here today, you can't 7 point me to any studies discussing in-person voter fraud 8 in Texas that you relied upon in connection with 9 developing HB 112? 10 A. And you're referring to studies. Is that -- I 11 don't -- I'm not following the question. 12 Q. Well, you were the person who told me you 13 relied on studies, so I'm just using your -- 14 A. Not directly related to Texas. These were 15 studies, nationwide studies. 16 Q. Of in-person voter fraud, correct? 17 A. Correct. Correct. Your question was limited 18 to Texas, and this would -- these were national studies. 19 Q. Well, I appreciate the clarification. The 20 other thing you mentioned was court cases. What court 21 cases did you look to in gathering information about 22 in-person voter fraud? 23 A. The -- in my research of the Voter ID issue, 24 the Crawford case was the major case that I referred to. 25 Q. Did you research whether there were any court</p>	<p style="text-align: right;">27</p> <p>1 (Exhibit 1 marked for identification.) 2 Q. (By Ms. Rudd) Okay. You've been handed what's 3 been marked as Beuck Exhibit 1, which is a series of 4 documents containing various Bates numbers, so I'm just 5 going to go through those for the record. The first is 6 an e-mail Bates numbered TX 91207. The second is a 7 chart Bates numbered TX 92240. The third is a chart 8 Bates numbered TX 92241 through 92243. And the third is 9 a chart Bates numbered TX 92244 through 92254. Does 10 that sound right? 11 A. Yes. 12 Q. Okay. If you start with the e-mail that's the 13 very first page of that exhibit, this is an e-mail from 14 Jay Dyer to you dated February 23rd, 2011, correct? 15 A. Yes. 16 MS. HALPERN: I'm sorry, Counsel. Let me 17 just note for the record, because somebody needs to, 18 that this stack of documents is marked "Highly 19 Confidential." 20 MS. RUDD: Thank you for that. I 21 appreciate that. It is. 22 Q. (By Ms. Rudd) And the subject line of this 23 e-mail is Election Spreadsheets, correct? 24 A. Yes. 25 Q. So one of the things you just mentioned was</p>
<p style="text-align: right;">26</p> <p>1 cases involving instances of in-person voter fraud in 2 Texas? 3 A. Could you restate? Could you restate the 4 question? 5 Q. I will try to. 6 A. Okay. 7 Q. Did you look at whether there were any court 8 cases involving in-person voter fraud in Texas? 9 A. Yes. 10 Q. And were there any court cases involving 11 in-person voter fraud in Texas? 12 A. There were -- I received a summary of court 13 cases, actions that were being taken in voter -- voting 14 -- voting cases, yes. 15 Q. Do you recall when HB 112 was filed? 16 A. I can't remember the exact date it was filed. 17 We prefiled the bill in November, I believe. 18 Q. And do you recall when you received -- so prior 19 to filing, prefilling HB 112, did you receive reports of 20 any court cases involving in-person Voter ID fraud in 21 Texas? 22 A. I don't recall. 23 MS. RUDD: Let's go off the record for a 24 second. 25 (Brief discussion off the record.)</p>	<p style="text-align: right;">28</p> <p>1 that you received some summaries of court cases 2 regarding voter fraud in Texas, correct? 3 A. Yes. 4 Q. Are these the summaries that you were referring 5 to? 6 A. This is the document -- one of -- yes, this is 7 what I had in mind. 8 Q. Okay. So these are things that you requested 9 from the office of Attorney General's Office; is that 10 right? 11 A. Yes. 12 Q. And you -- this is in February of 2011, which 13 is after HB 112 was filed, correct? 14 A. Yes. 15 Q. And so I believe this is also after Senate Bill 16 14 was filed, correct? 17 A. I don't know. I would have to -- I don't know 18 the answer to that. 19 Q. If I represent to you that Senate Bill 14 was 20 filed in January of 2011, does that sound right to you? 21 A. That sounds right. 22 Q. Okay. 23 A. It had to be early. It was a -- yeah. 24 Q. Were you gathering this information in 25 connection with both HB 112 and SB 14, or do you know at</p>

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<p style="text-align: right;">29</p> <p>1 this point?</p> <p>2 A. At this point, in February, we -- this would</p> <p>3 have been for Senate Bill 14.</p> <p>4 Q. Okay. If you look to the first chart in this</p> <p>5 exhibit, the -- this chart is entitled, "Election Code</p> <p>6 Referrals to the Office of the Attorney General, Charges</p> <p>7 Pending Resolution," correct?</p> <p>8 A. Yes.</p> <p>9 Q. And this is a chart you've seen before, right?</p> <p>10 A. Yes.</p> <p>11 Q. Can you point me to anything on this chart</p> <p>12 that's recording incidences of in-person voting fraud?</p> <p>13 MS. HALPERN: I'm going to object to the</p> <p>14 question for lack of foundation and that it calls to</p> <p>15 some extent for speculation. He's not the author.</p> <p>16 Q. (By Ms. Rudd) So I'm referring just to the</p> <p>17 very first one.</p> <p>18 A. 2240?</p> <p>19 Q. Yes, sir.</p> <p>20 A. Okay.</p> <p>21 Q. You asked for this information from the OAG's</p> <p>22 Office, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And when you received this information, did you</p> <p>25 review it?</p>	<p style="text-align: right;">31</p> <p>1 believe I did. I don't recall.</p> <p>2 Q. (By Ms. Rudd) Okay. Are you familiar with</p> <p>3 Election Code 64.012?</p> <p>4 A. No, I'm not.</p> <p>5 Q. Were you familiar or did you ever familiarize</p> <p>6 yourself with Election Code 64.012?</p> <p>7 A. I would have to -- I believe I did. I don't</p> <p>8 recall. I would have to see the code section to --</p> <p>9 Q. Did you ask any follow-up questions of the</p> <p>10 OAG'S Office with regard to the seven cases listed on</p> <p>11 this chart of pending resolution chart, that you recall?</p> <p>12 A. For these specific ones, I don't recall.</p> <p>13 Q. Okay. In general, when you're looking at the</p> <p>14 three charts attached to this e-mail, did you go through</p> <p>15 any of these charts and perform any particular</p> <p>16 investigation of any of the cases listed on these</p> <p>17 charts, that you can recall?</p> <p>18 A. I don't -- I don't recall.</p> <p>19 Q. Do you recall whether you talked to anyone at</p> <p>20 the OAG'S office about any of the specific cases listed</p> <p>21 on any of these charts after receiving them?</p> <p>22 A. I don't recall.</p> <p>23 Q. Do you think it's likely that that's something</p> <p>24 that you did, or did you just accept this information at</p> <p>25 face value?</p>
<p style="text-align: right;">30</p> <p>1 A. Yes.</p> <p>2 Q. And did you ask any questions about the</p> <p>3 information contained in this document of the OAG'S</p> <p>4 Office?</p> <p>5 A. I can't recall.</p> <p>6 Q. Did you -- do you have any reason to question</p> <p>7 whether this is a -- this document is correct or</p> <p>8 contains accurate information?</p> <p>9 A. Yes, well, I'm sorry. I don't under the</p> <p>10 question.</p> <p>11 Q. Sorry. Do you have any question to question</p> <p>12 the accuracy --</p> <p>13 A. No reason to question.</p> <p>14 Q. -- of the information? Okay. Did you do</p> <p>15 anything to look into any of the seven cases listed on</p> <p>16 this particular chart?</p> <p>17 MR. SCOTT: I'm sorry, did you say seven?</p> <p>18 MS. RUDD: One, two, three, four, five,</p> <p>19 six, seven, on the first chart.</p> <p>20 MR. SCOTT: I'm sorry, I was on the wrong</p> <p>21 page, sorry.</p> <p>22 MS. HALPERN: Counsel, would you happen to</p> <p>23 have a copy of Election Code 64.012 to show the witness?</p> <p>24 MS. RUDD: No.</p> <p>25 A. I don't recall. It's been some time. I</p>	<p style="text-align: right;">32</p> <p>1 MS. HALPERN: I'm going to object to that</p> <p>2 question on grounds of agency pride, but I'll allow the</p> <p>3 witness to answer it.</p> <p>4 (Laughing.)</p> <p>5 A. I -- did I -- could you repeat it? Did I</p> <p>6 question the information on this document?</p> <p>7 Q. (By Ms. Rudd) Well, I just want to know if you</p> <p>8 asked, if it's likely that you asked, you called someone</p> <p>9 up and asked follow-up questions about any information</p> <p>10 on this chart, or did you just take this chart and</p> <p>11 process it and --</p> <p>12 A. Yes, okay, I understand.</p> <p>13 Q. -- take it at face value?</p> <p>14 A. I understand your question. The -- I -- I</p> <p>15 relied on their information that they provided to me. I</p> <p>16 believe I looked into some of these on here, these ones</p> <p>17 that say illegal voting. And if I'm not mistaken, I</p> <p>18 believe this section most likely is referring to that</p> <p>19 voter fraud.</p> <p>20 Q. Okay. Do you know whether that section refers</p> <p>21 to in-person voter fraud?</p> <p>22 A. I believe it does.</p> <p>23 Q. Okay. But you don't know as you sit here</p> <p>24 today?</p> <p>25 A. I would have to have the section.</p>

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<p style="text-align: right;">33</p> <p>1 Q. Okay. You don't have any way of telling me 2 today what the resolution of any of these cases was, do 3 you?</p> <p>4 A. No.</p> <p>5 Q. If you look at the second chart, which is the 6 chart that starts with Bates Number 92241 --</p> <p>7 A. Yes.</p> <p>8 Q. -- can you tell me how many of the cases listed 9 in this chart involved in-person voter fraud?</p> <p>10 A. Without more information on these individual 11 cases, I can't speak to that.</p> <p>12 Q. Okay. If you look to page 92242 of that 13 chart--</p> <p>14 A. Okay.</p> <p>15 Q. -- the fourth row from the bottom contains some 16 information about an incident that occurred in Harris 17 County. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And if you look under the column labeled 20 "Charges," it says, "One count illegal voting voter 21 impersonation at polling place," correct?</p> <p>22 A. Yes.</p> <p>23 Q. Does that indicate to you that that was an 24 incident of in-person Voter ID fraud?</p> <p>25 A. It indicates -- it indicates that, but I would</p>	<p style="text-align: right;">35</p> <p>1 "Election Code Referrals to the Office of the Attorney 2 General, August 2002 to Present," correct?</p> <p>3 A. Yes.</p> <p>4 Q. And this is a list of every case reported to 5 the Office of Attorney General about voter fraud between 6 2002 and 2011; is that correct? If you look at the 7 bottom of the page there's a date on that document of 8 1-21-2011.</p> <p>9 A. Yes.</p> <p>10 Q. Does that indicate to you that this is a list 11 of referrals for voter irregularities from August 2002 12 to 2011?</p> <p>13 A. Yes.</p> <p>14 Q. And just for the sake of moving us along, if 15 you turn to the very last page of that document, there 16 are two incidents of voter impersonation listed on that 17 page. One that occurred in Bexar County, and one that 18 occurred in Bryan County. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Did you do anything to determine whether that 21 incident, these incidents of voter impersonation 22 occurred at the polling place, or not?</p> <p>23 A. Not that I recall.</p> <p>24 Q. I will represent to you that those are the only 25 two incidents on this chart that refer to voter</p>
<p style="text-align: right;">34</p> <p>1 have to have more details on the specifics of the case.</p> <p>2 Q. Okay. So even looking at that designation, you 3 can't tell whether that was an incident of in-person 4 Voter ID fraud from just the information you have here?</p> <p>5 A. The information on here says, "Deceased voter 6 voting." I would assume that would be impersonating 7 somebody that was deceased.</p> <p>8 Q. I understand that, but I'm trying to 9 distinguish between casting a ballot in someone else's 10 name from, you know, from home by, for example, an 11 absentee ballot, or actually going -- physically going 12 to the polls and voting as someone else. Can you tell 13 from this designation which of those two things happened 14 here, if either?</p> <p>15 A. For this specific one, it does state this 16 occurred, impersonation at the polling place, so I think 17 that would --</p> <p>18 Q. Okay. Are there any other charges listed here 19 that give that type of description of the incident that 20 occurred? And feel free to look through it.</p> <p>21 A. That appears to be the one you mentioned, the 22 one out of Harris County, that appears to be the only 23 one that has that designation at the polling place.</p> <p>24 Q. Okay. If you turn to the third chart that 25 starts at Bates Number 92244, this is a chart entitled,</p>	<p style="text-align: right;">36</p> <p>1 impersonation. Looking at this chart, can you tell 2 whether any of the other incidences that were referred 3 to the Office of the Attorney General between August 4 2002 and January 2011 involved in-person voter fraud?</p> <p>5 MS. HALPERN: I'm going to object. Calls 6 for speculation.</p> <p>7 A. This -- this document was prepared by the 8 Attorney General's Office. They're the ones with the 9 detailed information on the cases. So I can't speak to 10 the facts behind the case.</p> <p>11 Q. (By Ms. Rudd) And that's why my question was: 12 Can you tell from looking at this chart, what these 13 cases involved or if they involved in-person voter 14 fraud?</p> <p>15 A. The chart documentation doesn't make that 16 distinction.</p> <p>17 Q. Did you call anyone up at the Office of the 18 Attorney General to ask about any of these particular 19 cases to determine whether they involved in-person voter 20 fraud?</p> <p>21 A. I don't recall.</p> <p>22 Q. Did it matter to you whether these were cases 23 of in-person voter fraud?</p> <p>24 A. The information mattered to me. I was -- 25 that's why it was requested. I was doing my research</p>

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<p style="text-align: right;">37</p> <p>1 into the -- the issue, and these were cases that were 2 being investigated by the Attorney General's Office, and 3 so I thought it was important information, so yes. 4 Q. Okay. So that was a long answer. 5 A. Okay. 6 Q. Let me just make sure we're on the same page. 7 A. Okay. 8 Q. My question is -- I understand you were doing 9 research in connection with SB 14 when you received this 10 information, correct? 11 A. Yes. 12 Q. And one of the things you were researching was 13 whether there were incidents of in-person voter fraud in 14 Texas, correct? 15 A. Correct. 16 Q. Because SB 14 was intended to combat in-person 17 voter fraud as opposed to other types of voter fraud, 18 correct? 19 A. Correct. 20 Q. So did it matter to you, when you received this 21 particular chart, whether any of the reported incidents 22 on this chart actually involved in-person voter fraud as 23 opposed to other types of voter fraud? 24 A. Yes. 25 Q. Okay. It did matter to you?</p>	<p style="text-align: right;">39</p> <p>1 case. I believe there were some that were -- had been 2 concluded. There was a resolution. So it would depend 3 on the individual case. 4 Q. Did you produce these news reports in 5 connection with this case? 6 A. I don't recall. 7 Q. Do you know whether you produced those news 8 reports in connection with the Section 5 case? 9 A. I don't recall. 10 Q. I think you testified earlier that you didn't 11 find anything relevant when you were searching for 12 documents in connection with this case, correct? 13 A. Correct, yes. 14 Q. So you wouldn't have produced these in 15 connection with this case? 16 A. No, no, I was -- Representative Harless, their 17 office produced the documents. I was not the custodian 18 of those documents, so I can't testify to what they 19 turned over. So that's why I said that I don't recall. 20 Q. About how many news reports do you think you 21 read regarding in-person voter fraud in Texas? 22 A. I don't recall an exact number. 23 Q. Would it be less than ten? 24 A. Yes. 25 Q. Do you have a sense for in all of your research</p>
<p style="text-align: right;">38</p> <p>1 A. Yes. 2 Q. Is there anything that you did to determine 3 which incidents on this list involved in-person voter 4 fraud as opposed to other types of voter fraud at any 5 point? 6 A. I did research -- and I don't know how it 7 related to this list, but reports of in-person voter 8 fraud around the state of Texas. I don't know how it 9 relates to this list. There were other cases that are 10 outside of this list that are not referred to the 11 Attorney General's Office. 12 Q. Okay. Let's talk about that. What other cases 13 did you research in connection with SB 14 about 14 in-person voter fraud? 15 A. There were cases that were being handled by 16 local district attorneys. I remember researching news 17 reports regarding those cases. 18 Q. Okay. So was your research confined to news 19 reports of those cases, or did you do any additional 20 research? 21 A. I would say primarily confined to news reports. 22 Q. Okay. After looking at those news reports, did 23 you do any follow-up research to determine what the 24 outcome of those particular cases was? 25 A. The news reports -- it would depend on the</p>	<p style="text-align: right;">40</p> <p>1 how many cases of in-person voter fraud were actually 2 prosecuted to conclusion in Texas? 3 A. I did not have a good number, and that was part 4 of the issue that we were trying to resolve with Senate 5 Bill 14 -- 6 Q. Okay. Were -- 7 A. -- that it was difficult to prove these cases, 8 and we were trying to give another tool to election 9 workers to have to enforce, to ensure people were voting 10 who should be voting. 11 Q. All right. You said a number of things there, 12 so let me try to break that down. One of the things you 13 said was that it was difficult to enforce. Is one of 14 the issues that you were dealing with was the difficulty 15 of detecting in-person voter fraud in Texas? 16 A. Yes. 17 Q. And why -- why do you think it was difficult to 18 detect incidences of in-person voter fraud in Texas? 19 A. I feel there's underreporting of some of this 20 illegal voting happening. This is my opinion. 21 Underreporting, it's being left up to -- it was being 22 left to the -- the poll worker to -- they didn't have 23 the tools they would need to enforce this, so it was 24 being underreported. 25 Q. Okay. When you say voter fraud, in-person</p>

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<p style="text-align: right;">41</p> <p>1 voter fraud was being underreported, is that just based 2 on assumption that -- what is that based on? Is there 3 any source of information you're relying on to make that 4 determination or to come to that opinion? 5 A. Through my research. 6 Q. Okay. What research led you to conclude that 7 in-person voter fraud was being underreported in Texas? 8 A. I can't -- I can't speak to any individual one 9 piece of research that I found. I think it was the 10 culmination of the research that I was performing. 11 Q. Was anything ever put into the public record in 12 connection with the hearings on Senate Bill 14 about to 13 what extent in-person Voter ID fraud is underreported in 14 Texas? 15 MS. HALPERN: In the entire record? 16 MS. RUDD: Sure. I mean, it wasn't -- I 17 mean, I've read most of the record. 18 MS. HALPERN: So just so we're clear, 19 you're asking him as he sits here today to tell you what 20 was in the entire record three years ago? 21 MS. RUDD: I'm asking him to point me to 22 one piece of information about underreporting of vote -- 23 in-person Voter ID fraud, based on any formal research 24 that was in the record regarding SB 14 that you know 25 of. If there's none, that's fine. That's the answer.</p>	<p style="text-align: right;">43</p> <p>1 MS. HALPERN: Objection, compound. 2 A. My role as -- to prepare Representative Harless 3 for the debate was to pull all the information together. 4 It really wasn't my role to weigh whether it was 5 satisfactory or not. It wasn't -- what was the 6 information available from the Attorney General's 7 Office, from other sources that I could find. 8 Q. (By Ms. Rudd) I understand that. I care 9 really more about your opinion. In your opinion, is 10 there a rampant in-person Voter ID fraud problem in 11 Texas? 12 MR. SCOTT: Objection, form, foundation. 13 A. I believe there is voter fraud. I believe it's 14 underreported. 15 Q. (By Ms. Rudd) That's a different answer. 16 That's an answer to a different question. My question 17 was: Do you believe there is a significant amount of 18 in-person -- I mean, after researching everything that 19 you've researched and knowing what you know and having 20 been involved in this legislation, do you believe that 21 there is a significant in-person voter fraud problem in 22 Texas? 23 MS. HALPERN: Objection, asked and 24 answered. 25 MS. RUDD: I don't think it has been.</p>
<p style="text-align: right;">42</p> <p>1 A. I can't recall. 2 Q. (By Ms. Rudd) Okay. 3 A. I know it was an issue that was brought up. 4 Q. One of the criticisms of SB 14 was that there 5 weren't a significant number of in-person Voter ID fraud 6 cases in Texas; is that right? 7 A. I believe that was one of the issues brought up 8 during the debate. 9 Q. And so one of the things that you did in 10 connection with SB 14 was to try to find out exactly or 11 roughly how many in-person voter fraud instances had 12 been reported in Texas; is that right? 13 MS. HALPERN: Objection, assumes facts not 14 in evidence. 15 A. Could you restate your question, please? 16 Q. (By Ms. Rudd) Sure. Was it important in 17 connection with your work on SB 14 to try to respond to 18 the criticism that there are not a significant number of 19 in-person voter fraud cases in Texas? 20 MS. HALPERN: Objection, compound. 21 A. It was -- it was part of my research, yes. 22 Q. (By Ms. Rudd) And did you feel satisfied with 23 the research that you performed that you uncovered 24 enough in-person Voter ID fraud in Texas to justify the 25 measures implemented under SB 14?</p>	<p style="text-align: right;">44</p> <p>1 MR. SCOTT: And objection, form, the time 2 period is vague. 3 A. Okay, let's -- if -- I believe there is voter 4 fraud in Texas. The level of significance, I believe 5 it's out there, I think that's enough to -- to harm 6 voter confidence in the election process. 7 Q. (By Ms. Rudd) Would you characterize the level 8 of in-person voter fraud that you know about in Texas as 9 significant? 10 MS. HALPERN: Objection, relevance. 11 MR. SCOTT: Objection, form, vague 12 timeframe. 13 A. I think any amount of voter fraud would be 14 considered significant. There have been elections that 15 have swung on just a handful of votes. 16 Q. (By Ms. Rudd) Okay. Well, let's talk about 17 that. One of the things that -- one of the pieces of 18 information that Representative Harless's office put out 19 on a regular basis was that Donna Howard's election was 20 won by only three votes, correct? 21 A. The question is? I'm sorry, the question is -- 22 could you repeat the question? 23 Q. Sure. One of the pieces of information that 24 Representative Harless's office put out pretty regularly 25 while you were working there was that Donna Howard's --</p>

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<p style="text-align: right;">45</p> <p>1 Donna Howard won her office by a margin of just three 2 votes, correct? 3 A. Yes. 4 Q. And let's just look at that document because 5 Donna Howard is my rep, actually, and I voted for her, 6 so I found this really kind of entertaining. 7 MR. SCOTT: Objection, form, sidebar. 8 MS. RUDD: Total sidebar. Makes 9 depositions more interesting. 10 MR. SCOTT: I didn't want somebody to use 11 that against you in the future. Trying to protect the 12 record. 13 (Exhibit 2 marked for identification.) 14 Q. (By Ms. Rudd) You've been handed what's been 15 marked as Beuck Exhibit 2, which has been designated 16 highly confidential. And it's Bates numbered TX 91736 17 through 91737. And feel free to look though 18 document. I assume you recognize it. 19 A. Yes. 20 Q. And when you're ready, I want to start with the 21 first e-mail in the string, which is on the second page. 22 A. Okay. 23 MS. HALPERN: I'm also going to enter an 24 objection to questions on this document as violating the 25 deliberative process privilege. This is not the final.</p>	<p style="text-align: right;">47</p> <p>1 we were on the same page. 2 A. Okay. 3 Q. And this is -- one of the things you did in 4 Representative Harless's office was handle constituent 5 e-mail, correct? 6 A. Correct. 7 Q. And this is an e-mail that you dealt with in 8 particular, correct? 9 A. Yes. 10 Q. And Jacqueline Clark was one of these 11 constituents of Representative Harless, correct? 12 A. I don't know. 13 Q. Okay. Do you know Jacqueline Clark personally? 14 A. No. 15 Q. And this is just an e-mail you fielded because 16 you were the chief of staff for Representative Harless 17 at the time; is that right? 18 A. Yes. I was tasked with responding to -- 19 helping respond to constituents. 20 Q. And what Ms. Clark says in her e-mail here is 21 that she's disappointed in Representative Harless's 22 support of Photo Voter ID, correct? 23 A. Correct. 24 Q. And she says, "It's sadly reminiscent of things 25 like poll taxes and literacy tests," correct?</p>
<p style="text-align: right;">46</p> <p>1 A. You wanted to talk about this -- 2 MS. HALPERN: Is there a question pending? 3 MS. RUDD: Oh, I just wanted to give him 4 an opportunity to read it over. 5 MS. HALPERN: There's no question pending 6 so you don't need to say anything. 7 THE WITNESS: Okay. Okay. 8 MS. HALPERN: After you answer this 9 question, I'm going to ask for a break, because we've 10 been going for an hour and I need one. 11 MS. RUDD: Okay. 12 Q. (By Ms. Rudd) So if you look at the first 13 e-mail in the string on this document, there is an 14 e-mail from a person named Jacqueline Clark to Patricia 15 Harless on November 15, 2011, correct? 16 A. Yes. 17 Q. And the subject line is, "Op-Ed in Defense of 18 Photo Voter ID in Today's Chronicle," correct? 19 A. Yes. 20 Q. Do you recall the Op-Ed article that 21 Representative Harless authored in the Chronicle? 22 A. Yes. I don't recall the details of the 23 article, but I do remember there was an Op-Ed by her in 24 the Chronicle. 25 Q. Okay. That's fine. I just wanted to make sure</p>	<p style="text-align: right;">48</p> <p>1 A. That is what she states in the e-mail, yes. 2 Q. And you know that poll taxes were historically 3 used to disenfranchise certain voters, correct? 4 A. Yes. 5 Q. Okay. And then if you turn to the first page 6 of this document, there is an e-mail from you to the 7 Representative Harless, copying Julie Scott, correct? 8 A. Yes. 9 Q. Who is Julie Scott? 10 A. She is an employee of Representative Harless. 11 Q. Okay. And what was her title at the time, if 12 you know? 13 A. I don't know. 14 Q. What was her job with Representative Harless? 15 A. She also helped with handling constituent work 16 in the representative's schedule. 17 Q. Okay. 18 A. I believe her title was director of operations. 19 Q. At the top of your e-mail here you say, "Going 20 to use this as a base for other anti-SB 14 responses;" 21 is that right? 22 A. Yes. 23 Q. And so what you were saying to Representative 24 Harless is this was your suggestion for dealing with 25 other types of constituent mail like Ms. Clark's e-mail,</p>

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<p style="text-align: right;">49</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. And the first paragraph of your e-mail said,</p> <p>4 "Thank you for your e-mail." You go on to sort of deal</p> <p>5 with the major issues in SB 14, and there's some</p> <p>6 highlighting in this paragraph, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Would that have been highlighting inserted by</p> <p>9 Representative Harless?</p> <p>10 A. Yes.</p> <p>11 Q. And then below that first paragraph is a</p> <p>12 paragraph in smaller type. Is that language inserted by</p> <p>13 Representative Harless?</p> <p>14 A. I believe so.</p> <p>15 Q. So Representative Harless was suggesting a</p> <p>16 revision to your draft e-mail; is that right?</p> <p>17 A. That's how it appears, yes.</p> <p>18 Q. And in the paragraph below that, we come to</p> <p>19 this Donna Howard issue, and the paragraph reads,</p> <p>20 "Witness testimony in committee over the last several</p> <p>21 sessions has been that voter fraud exists." And that's</p> <p>22 something that you knew about from listening in to</p> <p>23 committee hearings, is that right, or reading committee</p> <p>24 testimony?</p> <p>25 A. Yes, from previous sessions?</p>	<p style="text-align: right;">51</p> <p>1 A. No.</p> <p>2 Q. It's kind of what it sounds like here, though,</p> <p>3 isn't it?</p> <p>4 A. That was not --</p> <p>5 MS. HALPERN: Objection, argumentative.</p> <p>6 The document speaks for itself. It's pretty clear.</p> <p>7 A. That was not my intent writing that. That was</p> <p>8 not what I was trying to suggest.</p> <p>9 Q. (By Ms. Rudd) Okay. And to your knowledge,</p> <p>10 the three votes that were cast by which Donna Howard won</p> <p>11 were not fraudulent votes?</p> <p>12 A. No.</p> <p>13 MR. SCOTT: Objection, form, speculation.</p> <p>14 MS. HALPERN: I'd like to take a break</p> <p>15 right now. There's no question pending.</p> <p>16 MS. RUDD: Okay.</p> <p>17 (Recess at 10:40 a.m. to 10:59)</p> <p>18 Q. (By Ms. Rudd) So before we went off the record,</p> <p>19 we were talking about this e-mail exchange that you had</p> <p>20 with representative Harless about a particular</p> <p>21 constituent's e-mail regarding Photo Voter ID. Do you</p> <p>22 recall that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And when we were looking at this string</p> <p>25 of e-mails. I think we were -- we had stopped at sort</p>
<p style="text-align: right;">50</p> <p>1 Q. Correct.</p> <p>2 A. Yes.</p> <p>3 Q. And you go on to say, "Our elections are too</p> <p>4 important not to safeguard, because even a few</p> <p>5 fraudulent votes could swing an election." And did you</p> <p>6 believe that when you wrote that?</p> <p>7 A. That fraudulent votes can swing an election?</p> <p>8 Q. Yes.</p> <p>9 A. Yes.</p> <p>10 Q. Do you know of any elections that have been</p> <p>11 swung by fraudulent votes in Texas?</p> <p>12 A. No, not to my personal knowledge.</p> <p>13 Q. Okay. Have you ever researched that issue?</p> <p>14 A. I know there are examples and from history on</p> <p>15 that, but I can't speak on any specifics.</p> <p>16 Q. Okay. As you sit here today, you're not aware</p> <p>17 of any elections in Texas that were swung by a few</p> <p>18 fraudulent votes, are you?</p> <p>19 A. Not any specifics.</p> <p>20 Q. Okay. And then you go on to say, "For example,</p> <p>21 Representative Donna Howard's last election won her seat</p> <p>22 in the Texas House by three votes;" is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Are you suggesting here that Donna Howard won</p> <p>25 her election by three fraudulent votes?</p>	<p style="text-align: right;">52</p> <p>1 of the last paragraph on the first page of this</p> <p>2 document. And in that paragraph you talk about</p> <p>3 witnesses who testified about voter registration cards</p> <p>4 being stolen and falsely cast in other people's names;</p> <p>5 is that right?</p> <p>6 A. This last paragraph?</p> <p>7 Q. Yes.</p> <p>8 A. Yes.</p> <p>9 Q. And do you know whether that testimony that</p> <p>10 you're referring to involved in-person Voter ID fraud?</p> <p>11 A. Which portion? Are you --</p> <p>12 Q. Well, just in general, you're referring to</p> <p>13 testimony from many witnesses over the last couple of</p> <p>14 sessions about stolen voter registration cards, casting</p> <p>15 votes in other people's names. Do you know whether the</p> <p>16 instances of voter fraud that were testified to, that</p> <p>17 you're referring to in this paragraph, were instances of</p> <p>18 in-person Voter ID fraud?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. If you turn to the -- if you look</p> <p>21 actually at the top of this first page --</p> <p>22 A. Yes.</p> <p>23 Q. -- there's a response from Representative</p> <p>24 Harless to you on November 21, 2011, correct?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">53</p> <p>1 Q. Had she says, "This needs more work. All you 2 are going to do is make them more angry with that 3 response." Do you have a sense for what she's talking 4 about when she says that?</p> <p>5 A. I think out of context, if you read the rest of 6 her -- you know, it probably makes a little bit more 7 sense in what she was trying to get across.</p> <p>8 Q. So one of the things that she sort of 9 highlighted in the e-mail that you sent was this notion 10 of disenfranchising voters, right?</p> <p>11 A. Yes. That's highlighted.</p> <p>12 Q. And she wanted you to remove that language, 13 correct?</p> <p>14 A. I can't tell within the context of this 15 without -- this is a rough draft, and so.</p> <p>16 Q. I understand. And she came back as a result of 17 your draft and she made some comments, she highlighted 18 some language and she suggested other language, correct?</p> <p>19 A. Yes, that's what's occurring in this e-mail.</p> <p>20 Q. And then in the second sentence of her e-mail 21 to you, she says, "Look at it and tell me the words you 22 shouldn't use." Do you have a sense of what words you 23 shouldn't use?</p> <p>24 A. I might have at the time. I can't recall right 25 now.</p>	<p style="text-align: right;">55</p> <p>1 information about instances of voter fraud in Texas, 2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. And we looked at several charts that you 5 received from the OAG'S office talking about reports of 6 types of voter fraud, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And that information was received by you in 9 February of 2011, right?</p> <p>10 A. Yes.</p> <p>11 Q. HB 112 was prefiled I think you said in 12 November of 2010, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you do anything to gather information about 15 instances of in-person Voter ID fraud prior to the 16 prefiling of HB 112?</p> <p>17 A. I was researching the issue as a whole. I 18 can't -- it was -- I was researching all Voter ID issues 19 prior to prefiles, post prefiling the bill. When we 20 picked up Senate Bill 14, it was -- I don't recall when 21 the specific research happened.</p> <p>22 Q. Was it important to determine whether there was 23 in-person Voter ID fraud in Texas prior to filing HB 24 112?</p> <p>25 A. I think my research -- it was -- part of my</p>
<p style="text-align: right;">54</p> <p>1 Q. Would "disenfranchise" be a word not to use?</p> <p>2 A. I can't recall. Out of context, it's hard to 3 say.</p> <p>4 Q. Okay. And then she goes on to say, "Right is 5 from the positive position and not the negative, just 6 like we framed the debate." I confess, I have no idea 7 what that means. Do you have know what that means?</p> <p>8 MS. HALPERN: Objection. Are you serious, 9 Counsel?</p> <p>10 MS. RUDD: I don't what it means. And he 11 received the e-mail, so I'd like to know what his 12 interpretation is.</p> <p>13 A. You know, I think that's probably an 14 appropriate question for Representative Harless.</p> <p>15 Q. (By Ms. Rudd) When you receive this e-mail from 16 Representative Harless, did you understand it?</p> <p>17 A. I understood that she wanted me to make some 18 corrections.</p> <p>19 Q. Did you find this e-mail condescending?</p> <p>20 MS. HALPERN: Objection, relevance.</p> <p>21 A. My -- this was a rough draft process. It's the 22 back and forth on -- on how editing happens. I-- I 23 didn't take it personally.</p> <p>24 Q. (By Ms. Rudd) One of the things we were talking 25 about before the break was your effort to gather</p>	<p style="text-align: right;">56</p> <p>1 research was looking into allegations of voter fraud.</p> <p>2 Q. Was it important to you whether in-person voter 3 fraud had actually happened in Texas prior to filing HB 4 112?</p> <p>5 A. Yes, those cases would be important.</p> <p>6 Q. As you sit here today, can you point me to any 7 statistics or information that you gathered regarding 8 the rate of in-person Voter ID fraud in Texas prior to 9 filing HB 112?</p> <p>10 A. I don't have that information with me.</p> <p>11 Q. Do you know if it exists?</p> <p>12 A. I do not.</p> <p>13 Q. Just to clarify for the record, one of the 14 purposes of HB 112 was also to combat in-person voter ID 15 fraud, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And that was the specific type of voter fraud 18 that was targeted by HB 112?</p> <p>19 MR. SCOTT: Objection, form.</p> <p>20 Q. (By Ms. Rudd) Correct?</p> <p>21 MR. SCOTT: Mischaracterization.</p> <p>22 A. There were multiple purposes for the 23 legislation. That was one of the purposes.</p> <p>24 Q. (By Ms. Rudd) I understand. But the type of 25 voter ID fraud that you were concerned with, with HB</p>

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<p style="text-align: right;">57</p> <p>1 112, was in-person voter ID fraud?</p> <p>2 MR. SCOTT: Objection, form,</p> <p>3 mischaracterization.</p> <p>4 A. Yes, that is the -- the bill seeks to improve</p> <p>5 the in-person voting process.</p> <p>6 Q. (By Ms. Rudd) Did you discuss HB 112 with</p> <p>7 Representative Harless prior to filing that particular</p> <p>8 piece of legislation?</p> <p>9 A. Yes.</p> <p>10 MS. HALPERN: Objection, states facts not</p> <p>11 in evidence.</p> <p>12 MS. RUDD: Well, I asked him for the</p> <p>13 facts.</p> <p>14 MS. HALPERN: No. Your question implies</p> <p>15 that he filed the bill.</p> <p>16 MS. RUDD: Okay. Well, let me restate it</p> <p>17 just to make it very clear.</p> <p>18 Q. (By Ms. Rudd) Did you speak to Representative</p> <p>19 Harless about HB 112 prior to it being filed?</p> <p>20 A. Yes, we had conversations about HB 112.</p> <p>21 Q. And can you describe generally for me what</p> <p>22 those conversations involved?</p> <p>23 MS. HALPERN: All right. I'm going to</p> <p>24 object on the basis of legislative privilege. I'm going</p> <p>25 allow the witness to answer the questions because this</p>	<p style="text-align: right;">59</p> <p>1 legislation, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And one of the things -- well, let me just ask</p> <p>4 you: Was one of the things that you were supposed to do</p> <p>5 is to make sure that the bill was drafted in a way that</p> <p>6 would meet the requirements of the Voting Rights Act,</p> <p>7 Section 5?</p> <p>8 A. Which bill are we referring to right now?</p> <p>9 Q. HB 112.</p> <p>10 A. 112. Part of my role as -- in her office was</p> <p>11 to prepare the legislation and to ensure that the</p> <p>12 constitutional -- it met the legal requirements.</p> <p>13 Q. And one of the legal requirements is that it</p> <p>14 meet the requirements of the Voting Rights Act, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you know that the Voting Rights Act was</p> <p>17 enacted to safeguard the rights of certain historically</p> <p>18 disenfranchised voters, correct?</p> <p>19 A. That's my understanding, yes.</p> <p>20 Q. And Texas is one of the states that was</p> <p>21 required to obtain preclearance for any changes to its</p> <p>22 voting law under Section 5 of that Act, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Did you discuss with Representative Harless any</p> <p>25 of the issues that arose as a result of the Voting</p>
<p style="text-align: right;">58</p> <p>1 entire deposition is under seal and we do so with the</p> <p>2 understanding that answer in this fashion is consistent</p> <p>3 with the court's direction and does not in fact waive</p> <p>4 privilege.</p> <p>5 A. The -- could you repeat your question?</p> <p>6 Q. (By Ms. Rudd) Sure. Could you just describe</p> <p>7 generally for me the kinds of things that you discussed</p> <p>8 with Representative Harless about Voter ID issues prior</p> <p>9 to the filing of HB 112?</p> <p>10 A. The issue was of importance to her. She wanted</p> <p>11 to file a bill on the issue. She had been hearing from</p> <p>12 her constituents about the importance of -- of the</p> <p>13 issue.</p> <p>14 Q. Did you ask her about any particular instances</p> <p>15 of in-person voter ID fraud that she knew about prior to</p> <p>16 filing HB 112?</p> <p>17 A. I don't recall.</p> <p>18 Q. Did you discuss with her any concerns that you</p> <p>19 had about the impact of HB 112 on any particular groups</p> <p>20 of voters? Let me -- actually, strike that. Let me ask</p> <p>21 -- let me break it down.</p> <p>22 A. Okay.</p> <p>23 Q. One of the things you knew with any kind of</p> <p>24 Voter ID legislation in Texas is that at that time you</p> <p>25 would have had to obtain preclearance for the</p>	<p style="text-align: right;">60</p> <p>1 Rights Act in connection with HB 112?</p> <p>2 MS. HALPERN: I'm sorry, could I have that</p> <p>3 read back?</p> <p>4 (Requested portion was read back by the</p> <p>5 court reporter.)</p> <p>6 MS. HALPERN: Thank you.</p> <p>7 I need to assert the legislative privilege</p> <p>8 with respect to this question as well. I'm going to</p> <p>9 allow the witness to answer it with the understanding</p> <p>10 that, based on court's direction, doing so does not</p> <p>11 waive the privilege.</p> <p>12 A. Yes, I recall the -- a -- I knew that there was</p> <p>13 -- the standards within the Voting Rights Act and that</p> <p>14 was communicated to Representative Harless.</p> <p>15 Q. (By Ms. Rudd) Did you vocalize any concerns in</p> <p>16 your conversations with Representative Harless about HB</p> <p>17 112 when it came to complying with the Voting Rights</p> <p>18 Act?</p> <p>19 A. I felt that it did comply or that it would</p> <p>20 comply with the Voting Rights Act.</p> <p>21 Q. While you were working in Representative</p> <p>22 Harless's office, did you receive any calls from</p> <p>23 constituents regarding Voter ID where the constituents</p> <p>24 were concerned with Voter ID measures like HB 112?</p> <p>25 A. Specifically to 112?</p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 Q. Or in general. Any kind of Voter -- let me 2 just ask it a different way. 3 During the time that HB 112 and SB 14 were 4 pending, did you receive any communications from 5 constituents that they believed that those types of 6 Voter ID measures were inconsistent with the Voter 7 Rights Act? 8 MS. HALPERN: Object on the basis of 9 legislative privilege if it involves communications with 10 constituents. And again I'm allowing him to answer it 11 because we're under seal. 12 MR. GEER: And are you asserting 13 legislative privilege for communications with 14 constituents? 15 MS. HALPERN: Yes. 16 MR. GEER: Is that your position? 17 MS. HALPERN: Yes. 18 A. We spoke with a number of constituents. I 19 cannot recall a specific conversation regarding the 20 Voting Rights Act but we heard from constituents for and 21 against. 22 Q. (By Ms. Rudd) Were you aware when you were 23 developing HB 112, that there was going be opposition 24 from minority groups about any type of Voter ID 25 legislation that was more restrictive than current law?</p>	<p style="text-align: right;">63</p> <p>1 subject to the attorney-client privilege. For those, 2 I'm going to direct you not to answer. To the extent 3 that your communications were not in an attorney-client 4 capacity and come within the legislative privilege, I'm 5 going to note an objection based on the legislative 6 privilege, but you can go ahead and answer as long as 7 you're not evading the attorney-client privilege. 8 Q. (By Ms. Rudd) Okay. Let's just back up for a 9 second. 10 Did you represent Representative Harless 11 in an attorney-client capacity? 12 A. That is my understanding. 13 Q. Okay. And for -- on what issues did you 14 represent Representative Harless as her attorney? 15 A. When legal questions arise specific to my 16 experience and expertise as an attorney. 17 Q. Okay. But you were not her general counsel, 18 correct? 19 A. That was not my title, but I am an attorney and 20 she was well aware of that and would seek my counsel on 21 legal issues. 22 Q. Okay, fair enough. But you don't always act as 23 an attorney just because you are an attorney, correct? 24 A. No, no. 25 Q. And when you were developing HB 112 and SB 14,</p>
<p style="text-align: right;">62</p> <p>1 A. Yes. I was aware the previous sessions there 2 was opposition from minority interest groups. 3 Q. Voter ID legislation in Texas over the course 4 of those sessions and up until the passage of SB 14 was 5 pretty controversial, right? 6 MS. HALPERN: Objection, calls for -- 7 assumes facts not in evidence. 8 A. The bills were contentious. 9 Q. (By Ms. Rudd) So the answer to my question is 10 yes? 11 A. Controversial? I would say contentious. 12 Q. Okay. And there were a fair number of groups 13 who were against passing any Voter ID legislation in 14 2011, correct? 15 A. Yes. 16 Q. And one of the things you were aware of is that 17 you were going to face -- or Representative Harless was 18 going to face opposition to her Voter ID legislation, 19 correct? 20 A. Yes. 21 Q. Did you talk to Representative Harless about 22 any concerns you had with the legislation, if any? 23 MS. HALPERN: Objection. Time out. I'm 24 going to caution the witness that to the extent that he 25 is an attorney and that any of these communications are</p>	<p style="text-align: right;">64</p> <p>1 you were acting in a chief of staff capacity; is that 2 correct? 3 A. It -- being in a Representative's office, you 4 wear many hats, and I would be doing my policy work, I 5 would also have my legal opinions on certain actions, so 6 it's hard to sometimes differentiate. 7 Q. Okay. Well, that's a fair point. How -- do 8 you have any way of differentiating between the times 9 you were acting as a chief of staff and the times you 10 were acting as an attorney rendering legal advice? 11 A. I think when there are, say, specific legal 12 issues she was asking me about. And the majority of my 13 work was as a policy legislative director, chief of 14 staff. But there were instances where I was -- my legal 15 advice was sought. 16 Q. Did you have any concerns yourself about the 17 voting rights implications of HB 112? 18 MS. HALPERN: I'm going to object on the 19 basis of legislative privilege along the lines 20 previously stated. Based on the court's direction and 21 with the understanding that the privilege is not waived 22 by him answering under seal, I'm going to permit him to 23 answer. 24 A. I believe that HB 112 was within the Voting 25 Rights Act.</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 Q. (By Ms. Rudd) What did you do to satisfy 2 yourself of that?</p> <p>3 A. Researched the issue, researched the Voting 4 Rights Act and the court cases.</p> <p>5 Q. When you say court cases, what are you 6 referring to?</p> <p>7 A. The Crawford.</p> <p>8 Q. Okay. Is there any other court cases that you 9 looked at?</p> <p>10 A. I can't recall a specific court case.</p> <p>11 Q. Did you perform any research about which 12 constituents, if any, in Representative Harless's 13 district had the requisite forms of ID listed in HB 112?</p> <p>14 A. Could you restate it? Was it specific to 15 Representative Harless's district?</p> <p>16 Q. Yes.</p> <p>17 A. No, not that I recall.</p> <p>18 Q. Did you perform any research to determine 19 whether any minority groups would be more significantly 20 impacted by HB 112 than non-minority groups?</p> <p>21 A. In my overall study of the Voter ID issue, that 22 was a concern that had been raised in the past and that 23 was information that I came across in my research.</p> <p>24 Q. Okay. Did you do anything personally in 25 connection with your development and drafting of HB 112</p>	<p style="text-align: right;">67</p> <p>1 correct, or to protect against the disenfranchisement of 2 voters; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Feel free look through this. Can you just 5 point me to what safeguards you're referring to.</p> <p>6 MS. HALPERN: I direct the witness to look 7 at the bill carefully before answering.</p> <p>8 A. The provisions in the bill that I think address 9 those issues would be the notice requirements, education 10 outreach, increased notice of the changes in the bill, 11 increased voter education, increased training for 12 people, election officers and provisional ballot 13 process, pre-identification.</p> <p>14 Q. (By Ms. Rudd) Did HB 112 specify any particular 15 budget for voter outreach efforts?</p> <p>16 A. I don't recall.</p> <p>17 Q. I want to just briefly go through some of the 18 ID requirements of HB 112. If you will look with me to 19 Page 3, Section 6 of that legislation. Section 6(b) 20 says, "On offering to vote, a voter must present to an 21 election officer at the polling place either: Number 1, 22 one form of identification listed in Section 63.0101(a), 23 or Number 2, two different forms of identification 24 listed in 63.0101(b)." Did I read that correctly?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">66</p> <p>1 to satisfy yourself that HB 112 would not 2 disproportionately impact minority groups?</p> <p>3 MS. HALPERN: Objection, compound.</p> <p>4 A. It's been some time since I've looked at HB 5 112, so I would have to look at the specific bill 6 language to see what was done within the bill.</p> <p>7 Q. (By Ms. Rudd) Okay. Well, what I'm really 8 trying to get at is that other than looking at what the 9 Supreme Court said in Crawford, did you do anything to 10 ensure that the way that HB 112 would work in practice 11 would not disenfranchise minority groups?</p> <p>12 A. There were protections within the bill. I 13 would have to see the bill language to work through 14 that.</p> <p>15 (Exhibit 3 marked for identification.)</p> <p>16 Q. (By Ms. Rudd) Okay. Well, that's a good idea. 17 Let's look at it.</p> <p>18 Do you recognize what's been marked as 19 Beuck Exhibit 3?</p> <p>20 A. Yes.</p> <p>21 Q. What is this document?</p> <p>22 A. This is House Bill 112 by Representative 23 Harless.</p> <p>24 Q. Okay. And you just testified that there were 25 safeguards put into HB 112 to protect minority voters,</p>	<p style="text-align: right;">68</p> <p>1 Q. And then if you'll flip with me to Page 5, the 2 bottom of that page, Section 10 contains Section 3 63.0101 (a) and (b) listing those types of documentation 4 or ID. And in (a), there are -- I'm just counting here 5 -- six different types of photo identification that 6 would be acceptable under HB 112, correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And the very first acceptable form of photo 9 identification listed here is a driver's license or 10 personal identification card expired -- or that expired 11 no earlier -- I'm sorry, that's probably not expired -- 12 or expired no earlier than two years before the date of 13 presentation, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And do you know where that two-year expiration 16 period came from?</p> <p>17 A. I don't recall.</p> <p>18 Q. But at the time that HB 112 was filed 19 prescribing that photo identification not expired more 20 than two years, was an acceptable limitation for 21 Representative Harless?</p> <p>22 A. The language from House Bill 112 was from the 23 Senate Bill which had passed in 2009.</p> <p>24 Q. Okay. And so this language was acceptable to 25 Representative Harless at the time?</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 A. I would say it was a starting point.</p> <p>2 Q. Did you have any conversations with</p> <p>3 Representative Harless about the period by which a photo</p> <p>4 identification could be expired and still be acceptable</p> <p>5 for purposes of voting?</p> <p>6 A. In regards to 112?</p> <p>7 Q. Yes.</p> <p>8 A. Not that I recall.</p> <p>9 Q. The second form of ID listed here is a United</p> <p>10 States military identification card that contains a</p> <p>11 person's photograph, correct?</p> <p>12 A. I'm sorry, what page?</p> <p>13 Q. I'm sorry, I'm on Page 6.</p> <p>14 A. Okay.</p> <p>15 Q. Number 2.</p> <p>16 A. Yes.</p> <p>17 Q. And there is no specification of whether that</p> <p>18 military identification card had to be unexpired,</p> <p>19 correct?</p> <p>20 A. There is -- correct.</p> <p>21 Q. And if you skip down -- and at the time, that</p> <p>22 form of photo ID was acceptable to Representative</p> <p>23 Harless, correct?</p> <p>24 A. That -- that's what's in the bill.</p> <p>25 Q. She approved the bill before it was filed,</p>	<p style="text-align: right;">71</p> <p>1 under HB 112, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And you had to present two forms of this type</p> <p>4 of documentation to vote under HB 112; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And there are 11 different forms of non-photo</p> <p>7 identification listed here, correct?</p> <p>8 A. Yes.</p> <p>9 Q. At the time that HB 112 was being developed,</p> <p>10 did you discuss the concept of allowing certain forms of</p> <p>11 non-photo ID to be presented for voting purposes with</p> <p>12 representative Harless?</p> <p>13 A. That was -- that is part of the bill, and yes,</p> <p>14 that was discussed.</p> <p>15 Q. What caused -- if you know, what caused</p> <p>16 Representative Harless to include forms of non-photo ID</p> <p>17 in HB 112?</p> <p>18 MS. HALPERN: I'm going to object on the</p> <p>19 basis of legislative privilege. With the understanding</p> <p>20 based on the court's ruling and guidance that testimony</p> <p>21 could be given under seal which would not waive</p> <p>22 privilege, the witness is going to be permitted to</p> <p>23 answer.</p> <p>24 A. This was the language that was contained in the</p> <p>25 Senate Bill that had passed in the prior session, and it</p>
<p style="text-align: right;">70</p> <p>1 right?</p> <p>2 A. Correct.</p> <p>3 Q. The sixth form of ID listed there is a valid</p> <p>4 identification card that contains the person's</p> <p>5 photograph and is issued by an agency or institution of</p> <p>6 the federal government or an agency, institution or</p> <p>7 political subdivision of the State, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have any discussions with</p> <p>10 Representative Harless about that form of photo</p> <p>11 identification prior to filing HB 112?</p> <p>12 A. Not that I recall.</p> <p>13 Q. But at the time that this bill was filed, that</p> <p>14 form of photo identification was acceptable to</p> <p>15 Representative Harless?</p> <p>16 MS. HALPERN: Objection, calls for</p> <p>17 speculation.</p> <p>18 A. It's -- it's part of the bill that was filed by</p> <p>19 her.</p> <p>20 Q. (By Ms. Rudd) And it was approved by her,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And then Subsection B, at the very bottom of</p> <p>24 that page, lists forms of documentation that are</p> <p>25 non-photo forms of identification that were acceptable</p>	<p style="text-align: right;">72</p> <p>1 was my understanding that she wanted the -- our bill to</p> <p>2 look similar to the Senate Bill that had passed out of</p> <p>3 the Senate in 2009.</p> <p>4 Q. (By Ms. Rudd) Did you have any discussions with</p> <p>5 Representative Harless prior to filing HB 112 about</p> <p>6 whether photo identification was superior to forms of</p> <p>7 non-photo identification for voting purposes?</p> <p>8 A. The --</p> <p>9 MS. HALPERN: Objection on the basis of</p> <p>10 legislative privilege. Shortened objection. The</p> <p>11 witness can answer.</p> <p>12 A. My understanding was that photo ID was the --</p> <p>13 what the constituents were asking for her to carry, for</p> <p>14 her to help pass. They wanted to see a photo ID</p> <p>15 requirement. This bill was what passed out of the</p> <p>16 Senate in 2009 and we saw this as a starting point to</p> <p>17 begin the debate.</p> <p>18 Q. (By Ms. Rudd) Okay. Because it passed out of</p> <p>19 the Senate in 2009, did Representative Harless believe</p> <p>20 that it would be easier to get consensus on HB 112 if it</p> <p>21 sort of mirrored what -- what was contained and what</p> <p>22 passed out of the Senate in 2009?</p> <p>23 MS. HALPERN: Objection, calls for</p> <p>24 speculation, legislative privilege. You can go ahead</p> <p>25 and answer because we're under seal.</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 A. You know, I can't speak to her -- her thought 2 process behind that. 3 Q. (By Ms. Rudd) Okay. But you discussed this 4 bill with her? 5 A. Yes. 6 Q. Did -- was it -- was, you know, the goal of 7 obtaining consensus between the House and Senate 8 discussed on Voter ID legislation? 9 A. As with all legislation, I think that's the 10 goal, is to pass what you file. So yes, consensus, a -- 11 something that would work. 12 Q. At the time that you filed HB or HB 112 was 13 filed, did Representative Harless support the idea of 14 allowing voters to present two forms of non-photo ID in 15 order to vote? 16 A. It's my belief -- I'm not going to speak for 17 her -- but my belief that she -- the end goal was to 18 have a photo identification requirement and if this was 19 what we could get, this was what we could get. 20 Q. Okay. 21 MS. HALPERN: Let the record reflect when 22 the witness says "this is what we could get, this is 23 what we could get," he was pointing to -- 24 A. I'm sorry. 25 MS. HALPERN: -- that's fine.</p>	<p style="text-align: right;">75</p> <p>1 MS. HALPERN: Do you have copies of it? 2 MR. GEER: I do. 3 MS. HALPERN: He's got copies. 4 MS. RUDD: Okay. Well, let's just mark 5 those. That's fine. If you don't mind, Bruce. 6 MR. GEER: No, not at all. 7 MS. RUDD: Obviously, you can refer back 8 to it. 9 MS. HALPERN: I personally get messed up 10 because I looked at something and thought I was looking 11 at the final version of a bill and found out I wasn't, 12 so I don't... 13 MS. RUDD: Put that sticker on top of that 14 sticker to avoid confusion. 15 (Exhibit 3 exchanged for signed version.) 16 (Exhibit 4 marked for identification.) 17 Q. (By Ms. Rudd) Okay. Do you recognize what's 18 been marked as Beuck Exhibit 4? 19 A. It appears to be a copy of Senate Bill 14. 20 Q. And this is a piece of legislation that you 21 worked on, correct? 22 A. Yes. 23 Q. And Representative Harless sponsored this 24 legislation in the House, correct? 25 A. Yes.</p>
<p style="text-align: right;">74</p> <p>1 He was pointing to House Bill 112 -- 2 A. Yes. 3 MS. HALPERN: -- at the time. 4 A. Yes. 5 MS. HALPERN: Counsel, this version of SB 6 14 is not signed. Are you going to make a 7 representation because there's so many copies and drafts 8 floating around as to which version this is. 9 MS. RUDD: No, because I have no idea. 10 MS. HALPERN: Well, there's the version 11 that was filed, there's the final version -- 12 MR. GEER: Do want the same version? 13 MS. RUDD: Yeah, that's fine. I mean, I 14 don't have copies of it but I don't think it's any 15 different. 16 MS. HALPERN: And I'm not saying that it 17 necessarily is, I just want to be sure because -- 18 MS. RUDD: I don't think there will be any 19 controversy about what I'm asking. Well, I shouldn't 20 speak too soon. 21 MS. HALPERN: No, I wouldn't. 22 MR. GEER: Do you want to substitute that 23 with the signed version? 24 MS. RUDD: No, because it's just too 25 complicated with copies.</p>	<p style="text-align: right;">76</p> <p>1 Q. Turn with me if you will to Page 9 of that 2 legislation. And I'm looking at Section 63.0101, which 3 is the same section we were looking at with HB 112, 4 correct? 5 A. Yes. 6 Q. In Senate Bill 14, 63.0101 has listed five 7 forms of photo identification that are acceptable in 8 order to vote, correct? 9 A. Yes. 10 Q. And the first form of identification listed 11 there is a driver's license, election identification 12 certificate or personal identification card that has not 13 expired or that expired no earlier than 60 days before 14 the date of presentation, correct? 15 A. Yes. 16 Q. So 60 days is obviously less than the two years 17 prescribed under HB 112, correct? 18 A. Yes. 19 Q. Do you know why that change was made to the 20 legislation? 21 A. From the debate, there were increased security 22 of the form of identification. If it's two years old 23 versus 60 days past expiration, there's increased 24 security with the 60 days. 25 Q. Can you explain that to me in a little bit more</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 detail. Is there some reason to believe that a photo ID 2 card or a driver's license issued by the Department of 3 Public Safety would be less secure after two years than 4 60 days?</p> <p>5 A. There are scenarios that I can think of that 6 could create an issue with the person's identity. I 7 can't speak to specifics on that.</p> <p>8 Q. Okay. Well, let's make this easier: Did you 9 have any conversations about this particular expiration 10 period in connection with SB 14?</p> <p>11 A. It was an issue brought up during debate, I 12 believe. I just -- I can't recall the conversations.</p> <p>13 Q. Okay. So you just don't know whether you 14 personally had any conversations with anyone in 15 connection with developing SB 14 about the expiration 16 period that would be permissible?</p> <p>17 A. I don't recall.</p> <p>18 Q. Okay. The second form of identification listed 19 here is a United States military identification card 20 that contains the person's photograph that is not 21 expired or that expired no earlier than 60 days before 22 the date of presentation, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And as we saw in HB 112, there was no 25 expiration period listed for military photo ID, correct?</p>	<p style="text-align: right;">79</p> <p>1 forms of ID, right? 60 days is less than two years, and 2 60 days expiration when there's no expiration, that's a 3 more restrictive bill, would you say?</p> <p>4 A. The time frame is less.</p> <p>5 Q. Is there some reason you're having difficulty 6 with the concept of it being more restrictive? There 7 are less forms of ID that qualify under SB 14 than under 8 HB 112 for these two forms, correct?</p> <p>9 MS. HALPERN: Two forms?</p> <p>10 MS. RUDD: I'm just focusing on Number 1 11 and Number 2.</p> <p>12 MS. HALPERN: Counsel, Number 1 talks 13 about a driver's license, an election identification 14 certificate or a personal identification card. That's 15 what this version of SB 14 has.</p> <p>16 Q. (By Ms. Rudd) Okay. Let's just start all over 17 again. In talking about the first two categories of 18 photo ID listed in SB 14 --</p> <p>19 A. Okay.</p> <p>20 Q. -- there is a smaller universe of photo ID 21 that's acceptable under SB 14 than what was acceptable 22 under HB 112, correct?</p> <p>23 MS. HALPERN: Objection, misstates the 24 document.</p> <p>25 A. My statement is that there is a 60 days</p>
<p style="text-align: right;">78</p> <p>1 A. Correct.</p> <p>2 Q. So this is a change from HB 112 in terms of 3 what would be acceptable under SB 14, correct?</p> <p>4 A. The two provisions are different, yes.</p> <p>5 Q. And the two provisions in SB 14 are more 6 restrictive than what was in HB 112, correct?</p> <p>7 A. Yes. There's an expired provision in 14 and 8 that is not in 112.</p> <p>9 Q. And the expired provision is shorter than what 10 was in 112 for driver's licenses and ID cards, right, 11 two years versus six months? I'm sorry, I'm probably 12 confusing you. I went back to -- in general, when we're 13 talking, we're talking about the first two forms of ID 14 listed in SB 14.</p> <p>15 A. Okay.</p> <p>16 Q. There are more restrictions on those two forms 17 of ID in SB 14 than there were in HB 112?</p> <p>18 MS. HALPERN: Objection, misstates the 19 document.</p> <p>20 A. The provisions are different. I would say the 21 -- there is an expiration no earlier than 60 days for 22 both the driver's license and military identification in 23 SB 14.</p> <p>24 Q. (By Ms. Rudd) And that represents a greater 25 restriction than what was listed in HB 112 for those</p>	<p style="text-align: right;">80</p> <p>1 expiration in SB 14.</p> <p>2 Q. (By Ms. Rudd) I know. We can all read the 3 document. So look, this is a pretty easy question: In 4 your view is SB 14, when it comes to the first two 5 categories of identification, more restrictive than HB 6 112 was?</p> <p>7 MR. SCOTT: Objection, argumentative.</p> <p>8 MS. HALPERN: Objection, asked and 9 answered.</p> <p>10 MS. RUDD: Not answered. Not once. It's 11 not a hard question.</p> <p>12 MS. HALPERN: Actually, Counsel, it is. 13 If you want to go off the record, I could tell you why.</p> <p>14 A. I feel like I've answered the question. I 15 don't know how else to say it differently.</p> <p>16 Q. (By Ms. Rudd) Do you know what the word 17 restrictive means?</p> <p>18 MS. HALPERN: Objection, argumentative.</p> <p>19 A. Yes.</p> <p>20 Q. (By Ms. Rudd) Can you -- are you capable of 21 comparing one bill to another to determine which one 22 might be more restrictive in the forms of photo 23 identification that it allows?</p> <p>24 A. I've tried to contrast the differences between 25 the two.</p>

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21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 Q. And you're having difficulty with this, the way 2 I'm characterizing it, is that right, as more 3 restrictive? 4 A. It's a shorter time frame. I don't know how 5 else to say it differently. I'm sorry. 6 Q. Okay. Is the only way a person can verify 7 their identity is by presenting a photo identification, 8 in your view? 9 MS. HALPERN: Your asking him just like 10 today as he sits here? 11 Q. (By Ms. Rudd) Yeah. Are there any -- do you 12 think the photo identification is the only way you can 13 identify yourself to anyone? 14 A. In what context? 15 MR. SCOTT: Objection form, vague. 16 Q. (By Ms. Rudd) Do you have to show a driver's 17 license or a form the photo ID in order to get on a 18 plane? 19 A. That's my understanding. 20 Q. Do you think there's any context in which photo 21 ID would not be required in order to identify yourself? 22 A. I'm not -- I'm not sure I'm following. I'm 23 sorry. 24 Q. In connection with SB 14 -- 25 A. Okay.</p>	<p style="text-align: right;">83</p> <p>1 correct? 2 A. That would be the -- yes, correct. 3 Q. And so there is a smaller universe of 4 identification that's permitted under SB 14 than was 5 permitted under HB 112, correct? 6 A. Senate Bill 14 requires a photo identification. 7 Q. Right, which is -- and HB 112 allowed a number 8 of non-photo IDs, correct? 9 A. Correct. 10 Q. So there's a smaller universe of identification 11 that is permitted under SB 14 than was permitted under 12 HB 112? 13 A. Correct. 14 Q. And I think you previously testified that when 15 Representative Harless authored HB 112, even though that 16 contained some forms of non-photo ID, the end goal 17 really was to get to a bill that permitted just photo 18 ID; is that right? 19 A. That is my understanding of what her -- the 20 plan was. Her constituents were asking for that. 21 Q. And SB 14 accomplished that, right? 22 A. Accomplished the -- could you -- I'm sorry, 23 restate the question? 24 Q. SB 14 was limited to just photo ID? 25 A. Yes.</p>
<p style="text-align: right;">82</p> <p>1 Q. -- did you research context in which photo 2 identification are required in order for a person to 3 identify themselves outside of the voting context? 4 A. In life? In general? 5 Q. Yes. 6 A. I don't -- I don't understand. 7 Q. Well, we've seen testimony in connection with 8 SB 14 about how people have to present photo ID to get 9 on a plane, correct? 10 A. Yes. 11 Q. And there were examples given of situations in 12 which people would have to present photo ID when people 13 were testifying about SB 14, correct? 14 A. Yes. 15 Q. And the analogy was made: Look, it shouldn't 16 be easier to vote than it is to get on a plane, correct? 17 MS. HALPERN: Objection, misstates the 18 record. 19 A. There was -- I believe there was testimony 20 regarding that at some point during the debate. 21 Q. (By Ms. Rudd) Did you ever look into situations 22 where photo ID -- well, strike that. 23 One of the things that is eliminated in SB 24 14 that was included in HB 112 is a listing of forms of 25 non-photo ID that you could present in order to vote,</p>	<p style="text-align: right;">84</p> <p>1 Q. Okay. Let's go back briefly because I just 2 don't want to -- I want to close the loop on this. 3 In connection with HB 112, you spoke with 4 Bryan Hebert in Lieutenant Governor Dewhurst's office, 5 correct? 6 MR. SCOTT: Objection, form. 7 Q. (By Ms. Rudd) This is something you previously 8 testified to. 9 A. Yes. 10 Q. And I think you also previously testified that 11 Mr. Hebert was in charge of Voter ID issues with 12 Lieutenant Governor; is that right? 13 A. Yes. 14 Q. Do you recall what the -- what those 15 conversations with Mr. Hebert were about? 16 MS. HALPERN: I'm going to direct -- I'm 17 going assert the legislative privilege. Can we stop for 18 a minute? I want to confer with one of my colleagues. 19 We may instruct him not to answer entirely. Before we 20 do that, I want to consult. 21 MS. RUDD: Sure. Let's go off the record. 22 (Recess 11:52 a.m. to 11:54 a.m.) 23 MS. HALPERN: I want the last question 24 read back and then I want to put something on the record 25 and get out of your way.</p>

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22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 THE COURT REPORTER: You want it read 2 back? 3 MS. HALPERN: Back on the record. And I 4 want the last question read back and -- yeah. 5 (Requested portion was read back by the 6 court reporter.) 7 MS. HALPERN: I'm going to object on the 8 basis of legislative privilege. Because Mr. Hebert has 9 already testified and himself waived the privilege as to 10 himself, I'm going to allow the witness to answer your 11 questions about his communications with Mr. Hebert. The 12 line I'm drawing here is communications with other 13 legislators or their staffs who have not yet waived the 14 privilege. We're not going to waive it for them and 15 deprive them of the opportunity to assert it. So that's 16 -- that's my dividing line. He can answer this question 17 because Bryan Hebert was deposed on Monday and himself 18 agreed to testify as to matters for which he could have 19 claimed privilege. 20 MS. RUDD: Okay. Thank you for that. I 21 appreciate that. 22 Q. (By Ms. Rudd) So do you recall what your 23 discussions with Mr. Hebert were about? 24 A. I contacted Bryan and informed him that we were 25 filing a Voter ID legislation and they were -- our</p>	<p style="text-align: right;">87</p> <p>1 Q. Okay. So if -- I could ask you a series of 2 questions but it's your testimony today that you just 3 don't recall any of the specifics of conversations you 4 had with Mr. Hebert or is there something that you do 5 recall that you can tell me today? 6 A. I don't recall the specifics of the 7 conversation. 8 Q. Okay. Rather than go through a whole litany of 9 questions, let's just get that out of the way. 10 And this may run into what you were just 11 talking about, but you also testified previously that 12 you spoke with Janice McCoy in Senator Fraser's office 13 about Voter ID, Voter ID legislation, correct? 14 A. Correct. 15 Q. And can you tell me what you discussed with 16 Ms. McCoy? 17 MS. HALPERN: And again, I'm going have to 18 assert the legislative privilege. And on this one I'm 19 going to direct him not to answer because they have not 20 had the opportunity yet to assert or to waive. I 21 understand that their depositions are in the process of 22 being rescheduled for some time in July at the request 23 of the Department of Justice and that they will go 24 forward and you will have the opportunity to ask those 25 questions then.</p>
<p style="text-align: right;">86</p> <p>1 conversation was in regards to our intent to file Voter 2 ID legislation. 3 Q. Is there a reason that you reached out to 4 Mr. Hebert in particular? 5 A. I knew that he was covering this issue for the 6 Lieutenant Governor and had knowledge of -- of the 7 issue. 8 Q. And so was your conversation with Mr. Hebert 9 confined to letting him know that you were filing HB 112 10 or did you discuss other things involving that 11 legislation? 12 A. I believe we discussed other things involving 13 the legislation. 14 Q. And can you describe for me what other things 15 you might have discussed. 16 A. I don't recall specifics of what we discussed, 17 but the gist of the conversation was that we were 18 interested in filing Voter ID legislation. 19 Q. Did you discuss any potential concerns with the 20 legislation voiced either by other interest groups or 21 constituents? 22 A. I don't recall. 23 Q. Did you discuss potential opposition to the 24 legislation and how you might address that? 25 A. I don't recall specifics of our conversation.</p>	<p style="text-align: right;">88</p> <p>1 Q. (By Ms. Rudd) Okay. I'm getting rid of that 2 page. 3 MS. HALPERN: I told you I'd help you get 4 it out of the way. 5 MS. RUDD: I appreciate it. 6 Q. (By Ms. Rudd) We've talked a lot about the 7 research that you did in connection with HB 112 and SB 8 14. I want to just focus on SB 14 for a second. 9 A. Okay. 10 Q. Is there any particular data about in-person 11 Voter ID fraud that you gathered in connection with your 12 development of SB 14, other than the things we already 13 discussed? 14 A. My research was done in a general sense, so not 15 specific, not -- I've mentioned the research done that 16 was relevant to SB 14. 17 Q. Okay, fair enough. You were dealing with 18 numerous pieces of Voter ID legislation during the 2011 19 session, correct? 20 A. Correct. 21 Q. And your research applied generally to all of 22 that legislation? 23 A. Yes. 24 Q. In connection with SB 14, did you reach out to 25 the Secretary of State's Office for any information</p>

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<p style="text-align: right;">89</p> <p>1 relating to Voter ID legislation for -- that would help 2 you in assessing Voter ID legislation?</p> <p>3 A. Yes.</p> <p>4 Q. What did you reach out to the Secretary of 5 State's Office for?</p> <p>6 A. There was information that the Secretary of 7 State's Office had regarding their voter roll 8 information.</p> <p>9 Q. Okay. Can you be more specific about that? 10 When you say voter roll information, what specific type 11 of the information were you seeking?</p> <p>12 A. Who had registered to vote and had supplied a 13 driver's license number or a -- they also collected 14 information on social security numbers.</p> <p>15 Q. Okay. Did you receive information back from 16 the Secretary of State's Office in response to that 17 request?</p> <p>18 A. Yes. 19 (Exhibit 5 marked for identification.)</p> <p>20 MS. HALPERN: Let the record reflect that 21 this Exhibit 5 is also marked highly confidential, so we 22 would be in an under seal portion of the deposition even 23 if we weren't already under seal.</p> <p>24 MS. RUDD: Thank you.</p> <p>25 MR. GEER: Could I just clarify one point</p>	<p style="text-align: right;">91</p> <p>1 -- let's stay on the record. The only reason he's 2 agreeing to testify under seal is because the court, as 3 I understand it -- and again, I represent the witness, I 4 do not represent the State of Texas in this instance. 5 My understanding is that the judge basically gave two 6 options: Either the witness can refuse to answer and 7 then come back or the witness can essentially answer 8 under protest, the answer will be under seal and it will 9 be as if he hadn't answered, and if y'all want to use 10 that testimony, you then have to move affirmative to 11 unseal it and the privilege is not thereby waived.</p> <p>12 MS. RUDD: That's my understanding as 13 well.</p> <p>14 MS. HALPERN: And just as a concession to 15 expediency and because we're all busy people and nobody 16 wants to come back and do this over again, we're making 17 the legislative privilege objections, we're allowing the 18 answers to be made with the understanding that if this 19 whole deposition were not under seal, those pieces where 20 he answers and divulges legislatively privileged 21 material would themselves be under seal.</p> <p>22 And given that, you know, we had a 23 deposition on Tuesday and we sort of played the game of 24 being under seal, not under seal, under seal, not 25 underseal, and then Elizabeth, your co-counsel, asked</p>
<p style="text-align: right;">90</p> <p>1 on the under seal just so the record is clear: I 2 believe -- and correct me if I'm wrong -- we agreed to 3 put the entire deposition under seal for administrative 4 purposes because it would be difficult to separate the 5 under seal and the not under seal. And I also believe 6 that we agreed that portions of testimony that don't 7 relate specifically to the highly confidential 8 documents, attorneys are free to do or use in a manner 9 that they would like to use it as it complies with this 10 case.</p> <p>11 MS. HALPERN: Not the legislative 12 privilege objections.</p> <p>13 MR. GEER: Legislative -- you have the 14 right to assert legislative privilege.</p> <p>15 MS. HALPERN: Yeah, and every time we have 16 objected on the basis of legislative privilege, if we 17 were not already on -- under seal, we would be going 18 under seal.</p> <p>19 MR. SCOTT: Well, from a practical 20 standpoint --</p> <p>21 MR. GEER: And that's his right --</p> <p>22 MS. HALPERN: Yes.</p> <p>23 MR. GEER: -- to assert legislative 24 privilege but agree to testify under seal, correct?</p> <p>25 MS. HALPERN: Well, the only reason he's</p>	<p style="text-align: right;">92</p> <p>1 the reporter to try to unscramble the egg, and he's 2 having understandable problems, that's why the whole 3 thing is under seal today, but that doesn't mean that at 4 some point y'all won't try to unscramble the egg again, 5 which is why I, to do my job, need to make sure that 6 every time I'm saying on the record that it's 7 legislatively privileged, and that is code for "and we 8 would be going under seal if we weren't already under 9 seal," which is a completely separate thing from these 10 highly confidential documents, and that's an issue y'all 11 have with defendants and not with the witness. Does 12 that help?</p> <p>13 MR. GEER: Somewhat.</p> <p>14 Q. (By Ms. Rudd) Okay. So, turning to what's been 15 marked as Beuck Exhibit 5, which is Bates numbered TX 16 92224 to 92225, this is an e-mail from Ann McGeehan to 17 you dated February 25, 2011, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And you received this e-mail, right?</p> <p>20 A. I did.</p> <p>21 Q. And is this the response from the Secretary of 22 State's Office that you were just referring to in your 23 testimony?</p> <p>24 A. Yes.</p> <p>25 Q. And if you look down to the -- sort of last</p>

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<p style="text-align: right;">93</p> <p>1 section of this e-mail, there's a paragraph with the 2 header All Voters in the State, and the first category 3 with Number of Voters with a TDL/ID, which I take to be 4 Texas driver's license or Texas ID card, correct? 5 A. Yes, that's my understanding. 6 Q. And that is -- that number is roughly 5.2 7 million, right? 8 A. Yes. 9 Q. And the second category is the Number of Voters 10 with a SSN, social security number, right? 11 A. Yes. 12 Q. And the number listed there is 2.1 million, 13 roughly? 14 A. Correct. 15 Q. And then there's a Number of Voters with Both 16 forms of those identifications. 17 And then the last category there is Number 18 of Voters with Neither Number, which is 690,887, 19 correct? 20 A. Yes. 21 Q. And what does that number represent to you; was 22 that the number you were trying to get at in making this 23 request? 24 A. That's the number that -- yes, that is the 25 number that we were trying to determine through the</p>	<p style="text-align: right;">95</p> <p>1 A. I don't recall. 2 Q. Did you ask for any identifying information 3 about the 690,000 voters referenced here? 4 A. Identifying information meaning? 5 Q. By name? 6 A. By name, I don't recall. 7 Q. Did you make any effort to determine whether 8 any of the 690,887 voters were minorities? 9 A. The Secretary of State's Office did -- doesn't 10 -- did not collect racial data with their voting 11 records. That information was not available. 12 Q. Okay. So the answer to my question is no? 13 A. Correct. 14 Q. Did you make any effort of any kind to 15 determine the demographics of any of the 690,000 voters 16 referenced here in terms of where they live or anything 17 else? 18 A. I don't recall. 19 Q. Okay. 20 MS. RUDD: Can we go off the record for 21 just a second? 22 MS. HALPERN: Uh-huh. 23 (Brief discussion off the record.) 24 (Recess 12:09 p.m. to 12:13 p.m.) 25 MS. RUDD: Back on the record.</p>
<p style="text-align: right;">94</p> <p>1 Secretary of State's records. 2 Q. Was the 690,000 voter number concerning to you 3 at all? 4 A. The number -- the number concerned me because 5 we did not have confidence that that was an accurate 6 number because we did not have confidence in that 7 number. 8 Q. And why is that? 9 A. Because Representative Harless was included in 10 that number as one the ones without a -- that was 11 registered to vote that did not register with her 12 driver's license number or social security number. 13 Q. How did you make that determination? 14 A. That is what she -- that is what she had 15 determined. She had been living in her residence for -- 16 since before 2006 and so had not registered to vote with 17 a driver's license number or social security number, so 18 we had -- we did not have confidence -- we felt that 19 number was inflated. 20 Q. Okay. Do you have any sense for how much you 21 felt that number was inflated by? 22 A. No. And that's what was concerning. 23 Q. You didn't receive a list of voters of these 24 690,887 voters that are categorized here, right, by name 25 or anything else?</p>	<p style="text-align: right;">96</p> <p>1 (Exhibit 6 marked for identification.) 2 Q. (By Ms. Rudd) Beuck Exhibit 6 is Bates Number 3 TX 92226, and this is an e-mail from Ann McGeehan at the 4 Secretary of State's Office to Representative Harless 5 and you on February 25, 2011, correct? 6 A. Yes. 7 Q. And this e-mail, in the first paragraph, talks 8 about the availability of federal HAVA dollars for a 9 state-wide voter education effort on a new ID 10 requirement, correct? 11 A. Yes. 12 Q. And it also talks about the number of 13 complaints the Secretary of State's Office has received 14 about possible voter fraud, right? 15 A. Yes. 16 Q. Is this information that you requested from the 17 Secretary of State's Office? 18 A. I believe so, yes. 19 Q. And what was the purpose of your request for 20 this information? 21 A. To find a funding source for some of the voter 22 outreach efforts contained in Senate Bill 14. 23 Q. Were you concerned that there wouldn't be 24 sufficient funds for voter education and outreach 25 efforts in connection with SB 14?</p>

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<p style="text-align: right;">97</p> <p>1 A. I think concerned is probably -- we were 2 looking for funding methods for the voter outreach 3 efforts. Concerned? You know, I don't know. But we 4 definitely were looking for available funds. It was a 5 tight budget session in 2011 and the State had a 6 significant shortfall, so any available funds that were 7 out there, we were definitely searching for. 8 Q. Did you perform any analysis of what level of 9 funding you thought it would take to adequately educate 10 voters on the new requirements of SB 14? 11 A. We asked the Secretary of State's Office to 12 perform those voter outreach services and we -- I left 13 that up to their discretion on what would be an 14 appropriate level. 15 Q. Okay. The second paragraph of this e-mail 16 discusses the number of complaints of voter fraud 17 referred to the Secretary of State's Office since 2007, 18 correct? 19 A. Yes. 20 Q. And we're in 2011, so that would be for the 21 last four years of seeing this e-mail, correct? 22 A. Yes. 23 Q. And in the middle of that second paragraph, 24 Ms. McGeehan says, "We can tell that you since 2007, 25 this office has referred 72 complaints to OAG. Of those</p>	<p style="text-align: right;">99</p> <p>1 the same time, so I don't know if that's exactly how the 2 timeline went, but that was -- if -- after seeing this 3 in this e-mail, I went to go look at the Attorney 4 General's information. 5 Q. Did nine referrals involving voter 6 impersonations in four years strike you as a high 7 number? 8 A. I don't think I had an opinion on that. It 9 really -- it was the number. I don't have an opinion on 10 whether it was high, low, or. Taken out of context, 11 there's a -- you know -- I didn't have an opinion. 12 Q. Did you ever form an opinion personally about 13 whether Voter ID fraud, in-person Voter ID fraud was a 14 big problem in Texas? 15 MS. HALPERN: We will object and assert 16 the legislative privilege. I'm going to allow the 17 witness to answer under seal. 18 A. I think I might have already answered this 19 earlier, and I believe it was a problem and I -- the 20 level of which I don't know. If there is voter fraud in 21 Texas, I think that's a problem that needs to be 22 addressed. 23 Q. (By Ms. Rudd) And I think your testimony 24 earlier -- I'm remembering this now -- was that any 25 amount of in-person Voter ID fraud is a problem, in your</p>
<p style="text-align: right;">98</p> <p>1 referrals, nine involved potential voter 2 impersonations," correct? 3 A. Yes. 4 Q. Did you follow up with Ms. McGeehan or anyone 5 at the Secretary of State's Office regarding the nine 6 voter impersonation referrals that she referred to here? 7 A. The Secretary of State's Office, from my 8 recollection, is more of a clearinghouse for these 9 complaints, so they did not have the information on the 10 specifics. Those -- once they're referred to the 11 Attorney General's Office, that then is their -- they 12 didn't have the information, so no, I didn't. 13 Q. Did you follow up with the OAG'S office about 14 those nine particular referrals? 15 A. I believe that is when I received the e-mail 16 from the Attorney General's Office with the list. 17 Q. Okay. That was actually going to be my next 18 question. 19 A. Okay. 20 Q. So you believe that after receiving this 21 communication, you went to the OAG'S office and 22 requested the information that's contained in those 23 charts that we looked at earlier? 24 A. I can't -- I'm not going to say the timeline 25 went exactly that way. I was working on these all at</p>	<p style="text-align: right;">100</p> <p>1 opinion? 2 A. I think that's what I said, yes. 3 Q. Okay. Did you have communications with any 4 lobbyists regarding Senate Bill 14? 5 MS. HALPERN: Object on the basis of 6 legislative privilege. Based on the court's ruling, as 7 I understand it, I'm going to allow the witness to 8 answer under seal with the understanding that we are not 9 waiving privilege by so doing. 10 A. Can I ask you to clarify lobbyist? Is that 11 register lobbyists or people advocating on behalf of a 12 group? 13 Q. (By Ms. Rudd) The way I would make that 14 distinction, and it may or may not be a fair 15 distinction, but for purposes of my questioning -- 16 A. Okay. 17 Q. -- when I say lobbyist, I mean registered 18 lobbyist. 19 A. Okay. 20 Q. I'll also talk about other interests groups -- 21 A. Okay. 22 Q. -- who might have been advocating for a 23 position. 24 A. Okay. 25 Q. So for now let's stick with registered</p>

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<p style="text-align: right;">101</p> <p>1 lobbyist.</p> <p>2 Did you talk with any registered lobbyists</p> <p>3 about SB 14?</p> <p>4 MS. HALPERN: Same objection.</p> <p>5 A. Not that I recall.</p> <p>6 Q. (By Ms. Rudd) Did you get visits with lobbyists</p> <p>7 from time to time in Representative Harless's office</p> <p>8 when you were chief of staff there?</p> <p>9 A. Yes.</p> <p>10 Q. And so is it your testimony that you just don't</p> <p>11 recall any particular visits that involved SB 14?</p> <p>12 A. The lobby community was well aware that our</p> <p>13 office was carrying SB 14, and the issue might have come</p> <p>14 up. I can't remember any specific conversation.</p> <p>15 Q. Did you -- do you recall receiving visits from</p> <p>16 any lobbyists representing interests that were adverse</p> <p>17 to SB 14?</p> <p>18 A. I'm sorry. I'm -- lobbyists, registered</p> <p>19 lobbyists or for a?</p> <p>20 Q. For any -- you know, any company or group that</p> <p>21 was --</p> <p>22 A. Interest like a -- like a special interest</p> <p>23 group --</p> <p>24 Q. Exactly.</p> <p>25 A. -- for minority interests? That type of --</p>	<p style="text-align: right;">103</p> <p>1 realize it's been a number of years.</p> <p>2 A. I don't.</p> <p>3 Q. Do you recall what those conversations might</p> <p>4 have been about?</p> <p>5 MS. HALPERN: Objection, legislative</p> <p>6 privilege. Allowing because it's under seal, not</p> <p>7 waiving privilege.</p> <p>8 A. I imagine they were expressing their -- their</p> <p>9 concerns with the bill.</p> <p>10 Q. (By Ms. Rudd) Is it fair to say that you</p> <p>11 received visits from various interest groups</p> <p>12 representing interests that, you know, were opposed to</p> <p>13 Senate Bill 14 during the 2011 legislative session?</p> <p>14 A. Yes.</p> <p>15 Q. And did any of those interest groups express</p> <p>16 their concern that Senate Bill 14 would disenfranchise</p> <p>17 voters and their constituencies?</p> <p>18 MS. HALPERN: Objection, legislative</p> <p>19 privilege. Allowing the witness to answer because we're</p> <p>20 under seal, not waiving the privilege.</p> <p>21 A. I can't remember the specifics of their</p> <p>22 communications, but I know that was a -- one of the</p> <p>23 issues that came up in the debate, so I would believe</p> <p>24 that was something that was communicated to our office.</p> <p>25 Q. (By Ms. Rudd) Do you recall receiving -- or</p>
<p style="text-align: right;">102</p> <p>1 Q. Well, let's do it -- let's make it easier, okay</p> <p>2 --</p> <p>3 A. In my mind --</p> <p>4 Q. -- because lobbyist, I mean, it really doesn't</p> <p>5 matter so much whether a lobbyist was involved. Let's</p> <p>6 talk about communications that you had with groups who</p> <p>7 were advocating for a particular interest --</p> <p>8 A. Okay.</p> <p>9 Q. -- a minority interest.</p> <p>10 A. Okay.</p> <p>11 Q. You met with several groups like that during</p> <p>12 the legislative session about Senate Bill 14, correct?</p> <p>13 A. Correct.</p> <p>14 Q. You met with the Texas NAACP, correct?</p> <p>15 MS. HALPERN: Objection on the basis of</p> <p>16 legislative privilege. I'm going to let the witness</p> <p>17 answer because we're under seal without waiving that</p> <p>18 privilege.</p> <p>19 A. I don't recall a meeting with the NAACP.</p> <p>20 Q. (By Ms. Rudd) Okay. Do you recall a meeting</p> <p>21 with MALDEF?</p> <p>22 A. I believe I did. It's been -- been quite some</p> <p>23 time. I believe there was a representative from a group</p> <p>24 representing Hispanic interests.</p> <p>25 Q. And do you recall who that person was? I</p>	<p style="text-align: right;">104</p> <p>1 visiting with anybody representing racial minority</p> <p>2 groups during the 2011 legislative session about Senate</p> <p>3 Bill 14?</p> <p>4 MS. HALPERN: And when you use the word</p> <p>5 "visit," you mean in person?</p> <p>6 MS. RUDD: I do.</p> <p>7 MS. HALPERN: Okay. This is Texas after</p> <p>8 all.</p> <p>9 MS. RUDD: Fair point.</p> <p>10 A. Other than the meeting that we discussed</p> <p>11 earlier?</p> <p>12 Q. (By Ms. Rudd) Yes.</p> <p>13 A. With MALDEF. I remember -- there was -- that's</p> <p>14 the meeting I remember. I don't recall other meetings.</p> <p>15 Q. You were aware during the 2011 legislative</p> <p>16 session that there were a number of racial minority</p> <p>17 groups who were opposed to SB 14, correct?</p> <p>18 A. There was testimony in the committee, so yes, I</p> <p>19 was aware.</p> <p>20 Q. And during your meeting with MALDEF, there were</p> <p>21 some concerns expressed by that group about Senate Bill</p> <p>22 14, correct?</p> <p>23 A. I don't remember the specifics of that</p> <p>24 conversation, so I'm -- I'm -- but I believe it had to</p> <p>25 do with their concerns; otherwise, they wouldn't have</p>

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<p style="text-align: right;">105</p> <p>1 been coming by my office.</p> <p>2 Q. Right. MALDEF didn't support SB 14, correct?</p> <p>3 A. I do not believe they did.</p> <p>4 Q. Okay. Did you do anything to address the</p> <p>5 concerns of those minority interest groups in connection</p> <p>6 with Senate Bill 14?</p> <p>7 A. We felt that the bill had protections in place</p> <p>8 to address their concerns.</p> <p>9 Q. Were those protections in place from the</p> <p>10 beginning of the introduction of Senate Bill 14 in the</p> <p>11 House or did you add additional protections as the bill</p> <p>12 progressed through the House?</p> <p>13 A. There were amendments added in the -- on the</p> <p>14 Senate -- on the House floor. I would have to look at</p> <p>15 the list of amendments to tell you which ones did what,</p> <p>16 but there were changes made in the House, yes.</p> <p>17 Q. Okay. We'll go through those amendments later</p> <p>18 this afternoon. I won't belabor those before lunch.</p> <p>19 A. Okay.</p> <p>20 Q. But can you tell me just as a general matter</p> <p>21 whether you and your office, in conjunction with</p> <p>22 Representative Harless, proactively pursued any</p> <p>23 amendments or changes to SB 14 that would have addressed</p> <p>24 some of the concerns that you were hearing from minority</p> <p>25 interest groups?</p>	<p style="text-align: right;">107</p> <p>1 MS. HALPERN: I'm going to assert</p> <p>2 legislative privilege. I'm going to allow the witness</p> <p>3 to answer because we're under seal with the</p> <p>4 understanding based on the court's direction that this</p> <p>5 does not waive the privilege.</p> <p>6 A. We believed that the bill had protections in</p> <p>7 place that would -- that would address the concerns that</p> <p>8 were being raised.</p> <p>9 Q. Okay. So is it fair to say that you didn't do</p> <p>10 anything additional, I mean, you and your office, with</p> <p>11 Representative Harless, given that you believe that</p> <p>12 safeguards were in place in SB 14, Representative</p> <p>13 Harless didn't pursue anything additional to deal with</p> <p>14 some of the concerns being raised by minority interest</p> <p>15 groups; is that right?</p> <p>16 A. In -- during the Floor debate, she accepted</p> <p>17 amendments that I believe were seeking to address some</p> <p>18 of those concerns. So if -- when we get to that point,</p> <p>19 I can go through those amendments, but without having</p> <p>20 them in front of me, I can't say one way the other.</p> <p>21 MS. HALPERN: Counsel, is this a good time</p> <p>22 break?</p> <p>23 MS. RUDD: It is.</p> <p>24 MS. HALPERN: And can you tell us how much</p> <p>25 time she's used up?</p>
<p style="text-align: right;">106</p> <p>1 A. Can you go back on the time frame on that? Was</p> <p>2 it while the bill was in Committee?</p> <p>3 Q. Well, yeah. I'm really talking about the time</p> <p>4 frame after SB 14 was filed because that was the point</p> <p>5 at which you had a lot of people coming in and, you</p> <p>6 know, objecting to the bill --</p> <p>7 A. Okay.</p> <p>8 Q. -- and wanting to offer testimony in committee.</p> <p>9 I assume that would have been the time that people</p> <p>10 started visiting you in your offices about the bill.</p> <p>11 So, to go back to my question, with that</p> <p>12 sort of background, did you in conjunction with</p> <p>13 Representative Harless, do anything to proactively</p> <p>14 either, you know, amend the bill or make changes to the</p> <p>15 bill to address some of the concerns you were hearing</p> <p>16 from minority interest groups?</p> <p>17 A. When the bill was in committee, I know there</p> <p>18 were changes made by a committee substitute. I don't</p> <p>19 have a copy of that document, so I don't -- probably</p> <p>20 would need to see that to be able to tell you what the</p> <p>21 changes were.</p> <p>22 Q. Did you ever discuss with Representative</p> <p>23 Harless ways in which you could amend or change SB 14 to</p> <p>24 address some of the concerns that were being voiced by</p> <p>25 minority groups?</p>	<p style="text-align: right;">108</p> <p>1 THE COURT REPORTER: 2 hours and 33</p> <p>2 minutes used thus far.</p> <p>3 (Recess 12:33 p.m. to 1:45 p.m.)</p> <p>4 Q. (By Ms. Rudd) Okay. So before we took the</p> <p>5 lunch break --</p> <p>6 A. Yes.</p> <p>7 Q. -- we were talking about various communications</p> <p>8 that you had with interest groups about SB 14. Do you</p> <p>9 recall that?</p> <p>10 A. Yes.</p> <p>11 Q. And I just want to circle back on that briefly</p> <p>12 to ask you about one particular interest group. One</p> <p>13 group you that you spoke to about SB 14 was Advocacy,</p> <p>14 Inc.; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And that later became Disability Rights Texas,</p> <p>17 correct?</p> <p>18 A. There was a name change there at some point. I</p> <p>19 think that's -- I've always worked with them as</p> <p>20 Advocacy, Inc., but I do believe they changed their</p> <p>21 name.</p> <p>22 Q. And the person you spoke with there was Jessica</p> <p>23 Gomez. Do you recall that?</p> <p>24 A. I don't recall her name but that sounds</p> <p>25 familiar.</p>

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<p style="text-align: right;">109</p> <p>1 Q. Do you recall anybody else in particular that 2 you spoke to at Advocacy, Inc.?</p> <p>3 A. No.</p> <p>4 (Exhibit 7 marked for identification).</p> <p>5 Q. (By Ms. Rudd) Exhibit 7 is Bates numbered TX 6 7207, and this as an e-mail from Jessica Gomez to you on 7 February 25, 2011, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And the subject line is 50 Percent VA 10 Disability and Social Security Disability, right?</p> <p>11 A. Yes.</p> <p>12 Q. Can you explain to me what was going on that 13 led to Mrs. Gomez sending you this e-mail? And feel 14 free to read it over before you answer.</p> <p>15 A. Okay.</p> <p>16 MS. HALPERN: Please do.</p> <p>17 A. Okay. (Reading document.)</p> <p>18 Okay. This was an e-mail -- Ms. Gomez had 19 visited my office as we were preparing for the committee 20 hearing on SB 14 with some -- she initially dropped by 21 my office as a resource and as -- offering herself as a 22 resource and as -- for those that are disabled. We were 23 looking at one of the amendments which was added in the 24 Senate that had to do with an exemption for those that 25 are disabled, and I was asking for her help in -- in</p>	<p style="text-align: right;">111</p> <p>1 person who comes within the exemption?</p> <p>2 A. Yes.</p> <p>3 Q. And did you end up adopting the suggestions 4 that Ms. Gomez recommended with respect to the 5 disability -- the -- how to define someone as disabled? 6 And just to be clear, I don't know the answer because I 7 haven't looked that the particular exemption in detail 8 in SB 14. If you don't recall off the top of your head, 9 that's fine.</p> <p>10 MS. HALPERN: You might refer to the bill 11 in the stack right in front of you.</p> <p>12 A. Yeah, let me. It appears that the suggestion 13 by Ms. Gomez was incorporated into the language of 14 Senate Bill 14. It might not be exact but the basic 15 suggestion she had does appear to be within Senate Bill 16 14.</p> <p>17 Q. And can you refer to me what section of Senate 18 Bill 14 you're referring to specifically?</p> <p>19 A. It would be Section 1, Page 1. Section 1 of 20 the bill.</p> <p>21 Q. Okay. And that would be Section 1 A and B?</p> <p>22 A. Yes. Section 13.002, the election code. 1 A 23 and B.</p> <p>24 Q. Okay. And if you look down to the last 25 paragraph of Ms. Gomez's e-mail, she says, "I'm also a</p>
<p style="text-align: right;">110</p> <p>1 suggestions on a standard for that exemption.</p> <p>2 Q. Is having a disability exemption in Voter ID 3 legislation something that Representative Harless was 4 supportive of?</p> <p>5 A. Yes.</p> <p>6 Q. And do you know why that is?</p> <p>7 MS. HALPERN: Objection on the basis on 8 legislative privilege, notwithstanding that I will allow 9 the witness to answer because we're under seal and we've 10 been given guidance by court that that will not waive 11 the privilege.</p> <p>12 A. I -- I can't speak for her thoughts on the 13 importance of that provision.</p> <p>14 Q. (By Ms. Rudd) Did you have discussions with 15 Representative Harless about the disability exemption 16 under Senate Bill 14 at all?</p> <p>17 A. Yes.</p> <p>18 Q. What were this those discussions about?</p> <p>19 A. The discussions at this point in time prior to 20 the committee hearing had to do with finding a standard 21 for that exemption.</p> <p>22 Q. A --</p> <p>23 A. A standard that could be used -- a standard way 24 to determine that somebody was in fact disabled.</p> <p>25 Q. Okay. So a standard way to identify a disabled</p>	<p style="text-align: right;">112</p> <p>1 little worried that some members might have a problem in 2 the affidavit in place of providing documentation." Do 3 you know what she's talking about there?</p> <p>4 A. I don't recall what that was referring to.</p> <p>5 Q. Does the -- does SB 14 provide that a voter can 6 provide an affidavit of disability in lieu of providing 7 the documents that you've just pointed out, that you 8 know of?</p> <p>9 A. Not that I'm aware of. The disability 10 exemption requires the written documentation described 11 in the Sections 1 A and B.</p> <p>12 Q. Okay. She goes on to ask if you've talked to 13 other committee members about the disability exemption. 14 Did you talk to other committee members about the 15 exemption at this time?</p> <p>16 A. Not that I recall.</p> <p>17 Q. And then finally she says, "I have a little bit 18 of a sense of where the opposition might come from since 19 I talked with many members' offices about the exemption 20 this week. Call me if you'd like to discuss."</p> <p>21 A. Uh-huh.</p> <p>22 Q. Did you ever discuss with Ms. Gomez what kind 23 of opposition might be lodged against a disability 24 exemption?</p> <p>25 A. I believe we did have a conversation about the</p>

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<p style="text-align: right;">113</p> <p>1 opposition to the disability exemption.</p> <p>2 Q. And what opposition was there to that</p> <p>3 exemption?</p> <p>4 MS. HALPERN: I'm going to object on the</p> <p>5 basis of legislative privilege, which also extends to</p> <p>6 conversations by legislators and their staffs with</p> <p>7 interest groups. I'm going to allow the witness to</p> <p>8 answer the question under seal with the understanding</p> <p>9 based on guidance from the court that doing so does not</p> <p>10 waive the privilege.</p> <p>11 A. This -- the disability exemption that was</p> <p>12 placed on the Senate floor through an amendment, there</p> <p>13 were -- we were receiving feedback from constituents and</p> <p>14 others who had concerns about the exemption, mainly the</p> <p>15 language as the bill came over from the Senate was too</p> <p>16 broad and would create a loophole in the bill.</p> <p>17 Q. (By Ms. Rudd) And so you received commentary</p> <p>18 from constituents that this billing which needs to be</p> <p>19 narrowed so that people couldn't take advantage of the</p> <p>20 exemptions that weren't really disabled? Is that sort</p> <p>21 of a gist of the commentary that you were receiving?</p> <p>22 A. That's correct.</p> <p>23 Q. Okay. This is an example of you working with</p> <p>24 one interest group to craft language in SB 14 that would</p> <p>25 address some of the concerns of that interest group,</p>	<p style="text-align: right;">115</p> <p>1 A. I was not present on the -- the -- I was not</p> <p>2 present during the debate on the House floor. I did --</p> <p>3 believe I had a conversation with her when there was a</p> <p>4 break over some of the amendments that were offered.</p> <p>5 Q. Do you recall, just generally speaking, what</p> <p>6 those amendments dealt with or proposed?</p> <p>7 A. Can you clarify? The conversations I had with</p> <p>8 Representative Harless and the amendments?</p> <p>9 Q. Yeah. I mean, look, there were a ton of</p> <p>10 amendments --</p> <p>11 A. Yes.</p> <p>12 Q. -- and we'll go through a lot of them</p> <p>13 specifically, but just as you sit here today, are there</p> <p>14 certain amendments that you remember discussing with</p> <p>15 Representative Harless in particular just in terms of</p> <p>16 subject matter. I don't expect you to remember</p> <p>17 amendment numbers.</p> <p>18 A. I can't recall without seeing the amendments.</p> <p>19 (Exhibit 8 marked for identification.)</p> <p>20 Q. (By Ms. Rudd) Do you recognize what's been</p> <p>21 marked as Beuck Exhibit 8?</p> <p>22 A. Yes.</p> <p>23 Q. What is that document?</p> <p>24 A. This appears to be the House Journal from March</p> <p>25 23rd, I believe the day that Senate Bill 14 was debated.</p>
<p style="text-align: right;">114</p> <p>1 correct?</p> <p>2 A. Yes. This -- this disability exemption,</p> <p>3 because it was placed on -- through a floor amendment,</p> <p>4 needed to be corrected, and I sought Ms. Gomez's</p> <p>5 assistance in that.</p> <p>6 Q. To your recollection, did other interest groups</p> <p>7 like, for example, the Texas NAACP or MALC, come to you</p> <p>8 with similar suggestions about language for SB 14 at any</p> <p>9 time during the consideration of that legislation?</p> <p>10 A. I cannot recall a specific language suggestion</p> <p>11 that was brought to me. I can't recall.</p> <p>12 Q. Did you personally reach out to any other</p> <p>13 interest groups besides Advocacy, Inc. to ask for their</p> <p>14 input regarding SB 14?</p> <p>15 A. Not that I can recall.</p> <p>16 Q. Let's talk about amendments. There were quite</p> <p>17 a few amendments that were proposed for SB 14, correct?</p> <p>18 A. Correct.</p> <p>19 Q. More than 60, as I recall; is that about right?</p> <p>20 A. That sounds correct.</p> <p>21 Q. Did you speak to Representative Harless about</p> <p>22 any of those amendments?</p> <p>23 MS. HALPERN: Objection, vague time frame.</p> <p>24 Q. (By Ms. Rudd) During the time that SB 14 was</p> <p>25 being considered by the House.</p>	<p style="text-align: right;">116</p> <p>1 Q. If you will turn with me to -- I'm looking in</p> <p>2 the upper right-hand corner -- well, the upper corner of</p> <p>3 these pages, Page 959. I want to look at Amendment</p> <p>4 Number 3.</p> <p>5 A. Yes.</p> <p>6 Q. Amendment Number 3 was proposed by</p> <p>7 Representative Giddings and Bonnen, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Giddings is a Democrat; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. And Bonnen is a Republican?</p> <p>12 A. Yes.</p> <p>13 Q. And if you look down to Subsection 1 of</p> <p>14 Amendment 3 -- I'm just going to summarize, but feel</p> <p>15 free to read it. This amendment would have allowed a</p> <p>16 voter to execute an affidavit under penalty of perjury</p> <p>17 asserting that their proof of identification had been</p> <p>18 stolen and to present an official copy of the police</p> <p>19 report in order to vote, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And it says below -- at the bottom of that</p> <p>22 page -- that Amendment Number 3 was adopted; is that</p> <p>23 right?</p> <p>24 A. That's -- yes, it says Amendment Number 3 was</p> <p>25 adopted, correct.</p>

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<p style="text-align: right;">117</p> <p>1 Q. Did you have any discussions with 2 Representative Harless about this particular amendment? 3 A. Can you specify the time frame on that? 4 Discussions -- 5 Q. Well, I -- 6 A. -- while the debate -- go ahead. 7 Q. Sorry. I want to go broad at this point. 8 A. Okay. 9 Q. Did you discuss at any time an amendment 10 involving allowing a person to execute an affidavit that 11 their ID was stolen and being able to vote with the 12 preface of that affidavit and a police report? 13 MS. HALPERN: Let me just clarify: Is 14 your question broad enough to encompass after the bill 15 was already passed? I mean, if four months after the 16 bill was over with and he still worked for her and they 17 had such a conversation, are you trying to capture that? 18 MS. RUDD: No. I'll go to that next. Up 19 until the time of the bill's passage is what I'm talking 20 about now. 21 MS. HALPERN: Okay. 22 MS. RUDD: But thank you for that. 23 A. Yes, we did have a discussion about this. 24 Q. (By Ms. Rudd) And can you tell me what that 25 discussion was?</p>	<p style="text-align: right;">119</p> <p>1 Q. (By Ms. Rudd) Well, I did ask why. Let's go 2 with why first. Do you know why it was removed? 3 A. No, I do not. 4 Q. Do you have any knowledge of when the amendment 5 was removed from the bill that ultimately passed? 6 A. If the amendment was adopted by the House, the 7 Conference Committee would have removed the amendment. 8 Q. Okay. That's what I would have assumed. I 9 just wanted to make sure that we were on the same page. 10 And did you have any discussions with 11 Representative Harless prior to the Conference Committee 12 meeting about removing this particular amendment from SB 13 14? 14 A. I don't recall specifics on this amendment. 15 Q. Okay. If you'll turn with me to Page 966 of 16 that exhibit, I want to look at Amendment Number 11. 17 Amendment Number 11 was proposed by Representative 18 Veasey, correct? 19 A. Correct. 20 Q. And he's a Democrat as well, correct? 21 A. Correct. 22 Q. And that amendment -- I'm looking over at the 23 next page, 967 -- would have allowed a person to vote 24 who didn't have an ID by executing an affidavit under 25 penalty of perjury stating that the voter is the same</p>
<p style="text-align: right;">118</p> <p>1 MS. HALPERN: Object on the grounds of 2 legislative privilege. Allow the witness to answer 3 because we're under seal and the privilege is not being 4 waived thereby. 5 A. I don't remember the substance of the 6 conversation, but all the amendments that were adopted 7 would have been most likely discussed. 8 Q. (By Ms. Rudd) And do you remember discussing 9 this particular amendment with Representative Harless as 10 opposed to other amendments generally? 11 MS. HALPERN: Same objection. 12 A. Amendment Number 3? 13 Q. (By Ms. Rudd) Yes. 14 A. I don't remember my conversation regarding 15 Amendment Number 3. 16 Q. Do you remember whether Representative Harless 17 voted in favor of adopting Amendment Number 3? 18 A. I do not. 19 Q. Amendment Number 3 was not included in the 20 legislation that ultimately passed. Do you have any 21 idea why that was or when it was removed? 22 A. I don't remember the reasoning why it -- 23 MS. HALPERN: The question is not 24 reasoning, it's when. 25 A. When?</p>	<p style="text-align: right;">120</p> <p>1 person named on the list of registered voters for the 2 precinct, correct? 3 A. Yes. 4 Q. And Representative Harless moved to table 5 Amendment Number 11, correct? 6 A. Yes. 7 Q. And to table an amendment means to suspend its 8 consideration, correct? 9 A. Yes. 10 Q. And that has the effect of really just killing 11 the amendment, correct? 12 A. Yes. 13 Q. Do you know why Representative Harless wanted 14 to table Amendment Number 11? 15 MS. HALPERN: Objection, invades the 16 legislative privilege. I'll allow the witness to answer 17 because we're under seal and not waving the privilege. 18 A. I do not know why Representative Harless moved 19 to table. 20 Q. (By Ms. Rudd) Do you recall any conversations 21 that you had with Representative Harless about the 22 subject of this particular amendment prior to SB 14 23 passage? 24 A. No, I do not recall conversations. 25 Q. Don't get rid of that document. I want to go</p>

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<p style="text-align: right;">121</p> <p>1 back to one point very quickly.</p> <p>2 A. Okay.</p> <p>3 (Exhibit 9 marked for identification.)</p> <p>4 Q. (By Ms. Rudd) Exhibit 9 is a document Bates</p> <p>5 numbered TX 4912 through 4913, and this an e-mail string</p> <p>6 between you and someone at DPS Government Relations,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. The bottom e-mail from you on March 22, 2011 --</p> <p>10 so just one day before SB 1 was heard, you sent a e-mail</p> <p>11 to DPS Government Relations --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- asking about how long it would take to get a</p> <p>14 DPS photo ID if your driver's license is stolen,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Why did you send that e-mail? It was Amendment</p> <p>18 3 that we were looking at.</p> <p>19 A. Okay. I don't know what the context of this</p> <p>20 e-mail, if it was referring to the amendment that was</p> <p>21 indeed offered by Representative Giddings or a potential</p> <p>22 amendment that was going to be offered by Representative</p> <p>23 Giddings. So, but I think the subject matter would be a</p> <p>24 concern about having a stolen identification, so I was</p> <p>25 looking into the -- the possibility of the situation</p>	<p style="text-align: right;">123</p> <p>1 whether a temporary driver's license or ID would be</p> <p>2 acceptable for voting purposes, that will depend on the</p> <p>3 legislative intent." Did this give you the answer that</p> <p>4 you were looking for in sending your initial e-mail to</p> <p>5 the DPS Government Relations office?</p> <p>6 A. The context of my original e-mail, I don't</p> <p>7 remember if it was this amendment or a different</p> <p>8 language, but it appears they did answer my question,</p> <p>9 and.</p> <p>10 Q. Well, you follow up here and ask whether the</p> <p>11 temporary ID or driver's license would have a photo,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you get an answer to that question?</p> <p>15 A. I don't recall. I don't recall.</p> <p>16 Q. And ultimately with Amendment 3, that amendment</p> <p>17 was taken off of Senate Bill 14, correct? In Conference</p> <p>18 Committee is what we just discussed.</p> <p>19 A. I believe so.</p> <p>20 Q. And was it the position of the office you</p> <p>21 worked in, Representative Harless's office, that unless</p> <p>22 a temporary form of ID had a photo on it, that it</p> <p>23 shouldn't meet the prerequisites of Senate Bill 14?</p> <p>24 A. The intent behind the bill was for photo</p> <p>25 identification, so I had -- I don't remember the</p>
<p style="text-align: right;">122</p> <p>1 where somebody's identification was stolen. A concern</p> <p>2 that was raised by Representative Giddings.</p> <p>3 Q. Okay. And that was something -- is that</p> <p>4 something that you took on independently or were you</p> <p>5 asked by Representative Harless to look into that issue,</p> <p>6 if you recall?</p> <p>7 A. I don't recall.</p> <p>8 Q. In any event, the response that you get from</p> <p>9 DPS Government Relations is that they do issue temporary</p> <p>10 driver's license or ID immediately to an individual that</p> <p>11 visits the driver's license office and presents the</p> <p>12 required documents, but that that temporary ID doesn't</p> <p>13 have the security attributes that an actual card would</p> <p>14 have, correct?</p> <p>15 MS. HALPERN: Counsel, the language you</p> <p>16 were reading says "temporary receipt."</p> <p>17 MS. RUDD: Sorry.</p> <p>18 MS. HALPERN: I think it's a piece of</p> <p>19 paper.</p> <p>20 Q. (By Ms. Rudd) I think you do receive a piece of</p> <p>21 paper when you get temporary ID, and that wouldn't be</p> <p>22 the same thing as having physical card, is that your</p> <p>23 understanding from this e-mail?</p> <p>24 A. Yes.</p> <p>25 Q. And then in the last paragraph, it says, "As to</p>	<p style="text-align: right;">124</p> <p>1 specifics but that would -- to my personal knowledge,</p> <p>2 that does seem to be -- if the temporary ID does not</p> <p>3 have a photo, then that...</p> <p>4 Q. Then that wouldn't have been something that</p> <p>5 comported with what your office was trying to do --</p> <p>6 A. Correct.</p> <p>7 Q. -- with respect to the legislation?</p> <p>8 A. (Witness nods head yes.)</p> <p>9 Q. Okay. Okay. So back to Amendment Number 11,</p> <p>10 which was on Page 966 and 967 of that House Journal.</p> <p>11 Ultimately Representative Harless's motion to table</p> <p>12 Amendment Number 11 prevailed, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And that was not made part of the final SB 14,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. If you turn to Page 978, on the top of Page</p> <p>18 978, there's an Amendment Number 21. Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. And Amendment Number 21 would have allowed a</p> <p>21 person seeking to vote to present a valid employee</p> <p>22 identification card that contains the person's</p> <p>23 photograph and was issued by an employer of the person</p> <p>24 in the ordinary course of the employer's business,</p> <p>25 correct?</p>

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<p style="text-align: right;">125</p> <p>1 A. Yes.</p> <p>2 Q. And again, Representative Harless moved to</p> <p>3 table that amendment, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Which had the effect of killing that amendment,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And the motion to table prevailed, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Representative Harless voted for her own</p> <p>11 motion, yes?</p> <p>12 A. Yes.</p> <p>13 Q. Did you have any discussions with</p> <p>14 representative Harless about this particular amendment</p> <p>15 or the subject matter of this particular amendment?</p> <p>16 A. This was an issue that had been brought up in</p> <p>17 committee and I believe on the Senate floor, so this was</p> <p>18 an issue out there in the debate, so yes, we did have a</p> <p>19 conversation about this.</p> <p>20 Q. Okay. Aside from the public debate, you had a</p> <p>21 conversation with Representative Harless about this</p> <p>22 amendment?</p> <p>23 A. Not this particular amendment, the issue. The</p> <p>24 issue of employer's identification was something we had</p> <p>25 discussed, but I don't believe I had a conversation</p>	<p style="text-align: right;">127</p> <p>1 A. Yes.</p> <p>2 Q. And she voted for that motion, in favor of that</p> <p>3 motion, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And then if you look at the next page, 979.</p> <p>6 I'm trying to go through these pretty quickly. 979</p> <p>7 contains Amendment Number 23. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Representative Dutton, was Representative</p> <p>10 Dutton a Democrat or a Republican?</p> <p>11 A. He's a Democrat.</p> <p>12 Q. Okay. Amendment Number 23 would have allowed a</p> <p>13 voter to present a student identification card issued by</p> <p>14 a public or private high school or institution of higher</p> <p>15 education that contained the person's photograph,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. Did you discuss the subject matter of this</p> <p>19 amendment, that is, student IDs being an acceptable form</p> <p>20 of ID with Representative Harless at any time prior to</p> <p>21 SB 14's passage?</p> <p>22 A. Yes. Along the same lines of employer's</p> <p>23 identification, this was an issue that was being</p> <p>24 discussed during the debate in the Senate and in the</p> <p>25 House. And yes, we did have a conversation.</p>
<p style="text-align: right;">126</p> <p>1 regarding this particular amendment.</p> <p>2 Q. Okay, fair enough. What did you and</p> <p>3 Representative Harless discuss with respect to employer</p> <p>4 photo identification?</p> <p>5 MS. HALPERN: Object on the basis of</p> <p>6 legislative privilege and will allow -- we will allow</p> <p>7 the witness to answer the question under seal with the</p> <p>8 understanding from the advisory by the court that that</p> <p>9 will not constitute a waiver of the privilege.</p> <p>10 A. The -- generally speaking, the conversation</p> <p>11 would have been around the security of employer's</p> <p>12 identification cards, the security features and various</p> <p>13 forms of these cards, and would they be easily</p> <p>14 recognized by election workers.</p> <p>15 Q. And was it -- did Representative Harless</p> <p>16 express to you her belief that employee identification</p> <p>17 cards of this type wouldn't be particularly secure or</p> <p>18 easily recognizable as you mentioned?</p> <p>19 A. I don't recall the specific statement by her</p> <p>20 regarding that. She moved to table the amendment so</p> <p>21 that would lead me to believe that they she didn't</p> <p>22 believe they were.</p> <p>23 Q. So you anticipated my next question. She moved</p> <p>24 to table the amendment and that motion prevailed,</p> <p>25 correct?</p>	<p style="text-align: right;">128</p> <p>1 Q. And was Representative Harless in favor of</p> <p>2 allowing student IDs to be used as a form of photo</p> <p>3 indication for voting purposes?</p> <p>4 MS. HALPERN: Object on the basis of</p> <p>5 legislative privilege.</p> <p>6 A. It appears that she does not support it because</p> <p>7 she's voting in favor of the motion to table the</p> <p>8 amendment, so.</p> <p>9 Q. (By Ms. Rudd) Do you know whether she testified</p> <p>10 about any of these forms of ID that we've discussed so</p> <p>11 far, on the public record, and whether she supported or</p> <p>12 didn't support those forms of ID?</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. So Representative Phillips is a</p> <p>15 Republican, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Moved to table this amendment, right?</p> <p>18 A. Yes.</p> <p>19 Q. And as you just pointed out, Representative</p> <p>20 Harless voted to table the amendment and that motion</p> <p>21 carried, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. If you turn to the next page, Amendment</p> <p>24 24. Amendment 24 is an amendment offered by</p> <p>25 Representative Martinez Fischer, also a Democrat,</p>

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<p style="text-align: right;">129</p> <p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And that amendment would have allowed a voter</p> <p>4 to present a valid identification card that contains a</p> <p>5 person's photograph and is issued by the State, correct?</p> <p>6 A. Correct.</p> <p>7 Q. Did you have any particular discussions with</p> <p>8 Representative Harless about the subject matter of this</p> <p>9 amendment?</p> <p>10 MS. HALPERN: Objection, legislative</p> <p>11 privilege.</p> <p>12 A. I don't recall a specific conversation -- I</p> <p>13 don't recall a conversation on this specific amendment.</p> <p>14 Q. (By Ms. Rudd) Representative Phillips moved to</p> <p>15 table that amendment, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And again, representative Phillips was a</p> <p>18 Republican, right?</p> <p>19 A. Correct.</p> <p>20 Q. And Representative Harless voted in favor of</p> <p>21 that motion, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And the motion was tabled, right?</p> <p>24 A. Correct.</p> <p>25 Q. If you look down at the bottom of that page,</p>	<p style="text-align: right;">131</p> <p>1 Q. And what discussions did you have with</p> <p>2 Representative Harless about the use of government</p> <p>3 issued ID as a form of photo ID?</p> <p>4 A. I don't recall a specific conversation. The</p> <p>5 debate around these and the argument had to do with the</p> <p>6 security and readily identifiable nature of these forms</p> <p>7 of identification, just in a general sense. I don't</p> <p>8 recall a specific conversation.</p> <p>9 Q. Okay. Most of these amendments that we've been</p> <p>10 going through deal with amendments -- deal with</p> <p>11 proposals to allow additional forms of photo ID under</p> <p>12 the -- under Senate Bill 14, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And I've heard you say a couple of times, so</p> <p>15 I'm hoping I can just summarize it and we can move on</p> <p>16 that: Most of the conversation you would have had with</p> <p>17 Representative Harless would have had to do with how</p> <p>18 secure these various forms of proposed IDs would have</p> <p>19 been in terms of identifying a person; is that correct?</p> <p>20 A. Yes. And in addition to the security of the</p> <p>21 form of identification and how standard --</p> <p>22 standardization of that form of identification, how</p> <p>23 easily recognizable that piece of identification would</p> <p>24 be to an election worker. Those were the concerns with</p> <p>25 the other forms that were proposed.</p>
<p style="text-align: right;">130</p> <p>1 Amendment Number 25, is an amendment offered by</p> <p>2 Representative Hernandez Luna, who is Democrat, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And if you turn to the next page, Amendment</p> <p>5 Number 25 would have allowed a voter to present a valid</p> <p>6 identification card containing the person's photograph</p> <p>7 issued by an agency or institution of the federal</p> <p>8 government or an agency, institution or political</p> <p>9 subdivision of the State, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Again, Republican Representative Phillips moved</p> <p>12 to table that amendment, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And Representative Harless voted in favor of</p> <p>15 the motion?</p> <p>16 A. Yes.</p> <p>17 Q. And the motion was tabled, right?</p> <p>18 A. Right.</p> <p>19 Q. Did you have any discussions with</p> <p>20 Representative Harless's about the subject matter of</p> <p>21 this particular amendment?</p> <p>22 A. I'm not -- I did not have a conversation about</p> <p>23 this particular amendment. The issue on -- in a broader</p> <p>24 sense, yes. This was an issue that was part of the</p> <p>25 debate, a government issued ID.</p>	<p style="text-align: right;">132</p> <p>1 Q. And those were concerns that -- that</p> <p>2 Representative Harless had sort of across the board with</p> <p>3 the alternative forms of ID; is that fair to say?</p> <p>4 A. Yes.</p> <p>5 Q. Other than those two concerns that you've just</p> <p>6 talked about, so security and how easily recognizable</p> <p>7 because of standardization issues these forms of ID</p> <p>8 were, were there any other issues that you discussed</p> <p>9 with Representative Harless regarding any of the forms</p> <p>10 of ID we've just gone through?</p> <p>11 A. I can't recall a specific conversation other</p> <p>12 than -- than those I mentioned.</p> <p>13 Q. Okay. Do you have in your mind any other</p> <p>14 concern that might have been aired or that you had in</p> <p>15 your mind regarding these alternative forms of ID, other</p> <p>16 than the two things you mentioned.</p> <p>17 MS. HALPERN: Let me just make sure I</p> <p>18 understand your question. You're asking about student</p> <p>19 IDs and employer IDs -- you're asking him about any</p> <p>20 concerns he has about any kind of ID essentially?</p> <p>21 Q. (By Ms. Rudd) Well, I just want to know if</p> <p>22 there were other things that, you know, either you</p> <p>23 raised as concerns or that were discussed, other than</p> <p>24 this whole notion of security and standardization,</p> <p>25 easily recognizable IDs at the polling place. If there</p>

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<p style="text-align: right;">133</p> <p>1 were any other concerns about all these alternate forms 2 of IDs --</p> <p>3 MS. HALPERN: That they discussed?</p> <p>4 Because I thought I heard you say that he has in his 5 mind --</p> <p>6 MS. RUDD: Well, I think I --</p> <p>7 MS. HALPERN: -- you know, and that's 8 telling him to give you a laundry list. That's why I 9 want to know.</p> <p>10 MS. RUDD: Well -- no, no, no. No, that's 11 fine.</p> <p>12 Q. (By Ms. Rudd) Okay. Let's start with had -- 13 did you have any discussions about any other concerns 14 regarding these forms of ID other than the two things 15 you mentioned?</p> <p>16 A. The standardization of the form and the 17 security of the -- sorry, excuse me.</p> <p>18 The standardization of the identification 19 and the security of the identification, that was the 20 general concern with these alternate identification 21 proposals. On a -- on a case-by-case basis with these 22 other ones, there might have been other concerns, I 23 can't speak to that though without getting into the 24 individual forms of identification.</p> <p>25 Q. Okay. So what we'll do going forward is I'm</p>	<p style="text-align: right;">135</p> <p>1 person's photograph issued by a tribal organization, 2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Did you look into, at any point, the issue of 5 allowing tribal IDs to be presented at the polls?</p> <p>6 A. That was an issue that we did look into after 7 the -- the amendment was adopted on the House floor and 8 we -- we did look into that issue.</p> <p>9 Q. Do you know whether Representative Harless 10 voted in favor of that particular amendment? It's not 11 here on the record.</p> <p>12 A. I don't recall the vote. If there was not a 13 roll call vote made, then it was done by a voice vote, 14 so. I can't tell from the record if she voted in favor 15 of it or not.</p> <p>16 Q. Do you recall discussing this particular 17 amendment with Representative Harless at any point prior 18 to the passage of SB 14?</p> <p>19 A. Yes.</p> <p>20 Q. What were those discussions about?</p> <p>21 MS. HALPERN: Object on the basis of 22 legislative privilege. Direct the witness to answer 23 under seal with the understanding that based on the 24 admonition by the court, this will not constitute a 25 waiver of the privilege.</p>
<p style="text-align: right;">134</p> <p>1 going to assume two main concerns that you vocalized 2 apply across the board to all these other kinds of IDs 3 and you can correct me if that isn't the case.</p> <p>4 A. Correct.</p> <p>5 Q. But from now on I'm just going to ask you if 6 there's anything else that, you know, was discussed or 7 that you were concerned about with the forms of ID going 8 forward. We're just going to try to truncate the 9 process a little bit.</p> <p>10 A. Okay.</p> <p>11 Q. So if you'll look with me now at Amendment 12 Number 30 on Page 984, the very bottom of that page. At 13 the bottom of that page, it says Representative Gonzalez 14 proposed Amendment Number 30, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know which Representative Gonzalez that 17 would have been?</p> <p>18 A. That was the representative from the El Paso 19 area.</p> <p>20 Q. Would that be Naomi?</p> <p>21 A. Yes, correct.</p> <p>22 Q. And she was a Democrat as well, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And that amendment would have allowed a voter 25 to present a valid identification card containing the</p>	<p style="text-align: right;">136</p> <p>1 Can I have the question read back, please.</p> <p>2 MS. RUDD: That I too?</p> <p>3 (Requested portion was read back by the 4 court reporter.)</p> <p>5 MS. HALPERN: Thank you.</p> <p>6 A. I believe the discussions centered around the 7 standardization of that form of identification and the 8 numbers in which that identification was -- was an issue 9 for, the population of tribal -- tribal residents or 10 voters who were within a tribal area.</p> <p>11 Q. (By Ms. Rudd) Okay. So you were looking into 12 how many people in the State of Texas actually would 13 have a form of tribal ID; is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. What was the -- did you actually 16 research that issue?</p> <p>17 A. Yes.</p> <p>18 Q. And how did you research that issue?</p> <p>19 A. I believe I researched what an actual tribal 20 identification card looked like and if those were indeed 21 a standard form. In addition, I researched the tribal 22 populations within -- within Texas.</p> <p>23 Q. Okay. With respect to researching what a 24 tribal ID looks like, did you conclude that there was or 25 wasn't a standard form of tribal ID?</p>

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<p style="text-align: right;">137</p> <p>1 A. The research that I conducted, I was not -- I 2 did not conclude that there was -- sorry -- I did not 3 find that there was a standard identification for a 4 tribal -- tribal identification. 5 Q. There are three federally recognized tribes in 6 Texas; is that correct, do you know? Google. 7 A. I -- I don't know. I'll take your word for it. 8 Q. Okay. I mean, you don't know. Did you 9 research how many federally recognized tribes -- 10 A. Yes, yes. 11 Q. Okay. You just don't recall a number? 12 A. I don't recall right now, correct. 13 Q. And did the forms of ID used by those tribes 14 differ from tribe to tribe, if you recall? 15 A. I don't recall the specifics with that 16 research. 17 Q. Okay. But in any event, you concluded that 18 there wasn't a standardized form of tribal ID in Texas; 19 is that correct? 20 MR. SCOTT: Objection, form, vague. I 21 just -- for clarification: There may be three home 22 tribes Like the Alabama-Coushatta, Tigua, but I think 23 when you talk about the Apache or the Comanche or the 24 Cherokee, I think there's -- any recognized tribe, there 25 may be members of those tribes in our state.</p>	<p style="text-align: right;">139</p> <p>1 Q. And then in terms of the tribal population of 2 Texas, did you get any sort of definitive idea of what 3 the tribal population in Texas is? 4 A. I did receive information from the agency that 5 I requested population information from. I don't recall 6 specifics of that information. 7 Q. Why was population data important to you in 8 your research about the possibility of using tribal IDs? 9 A. In an attempt to determine how big of a 10 population this would affect. 11 Q. So let me ask you this: If it turned out the 12 population was extremely large, would that have swayed 13 you in one direction or another about whether this was a 14 good amendment? 15 A. It would have an impact on the decision, I 16 believe so. I can't speak for how Representative 17 Harless would feel, but yes. 18 MS. HALPERN: Counsel, before you ask the 19 next question, we've been going again for an hour and I 20 would like to take a break. 21 MS. RUDD: Okay. Let me ask two more 22 questions and then we'll go off the record. 23 MS. HALPERN: Okay. 24 Q. (By Ms. Rudd) Did you conclude that the tribal 25 population of Texas is a small population, a big</p>
<p style="text-align: right;">138</p> <p>1 MS. RUDD: That's a fair point, John. 2 MR. SCOTT: Given that my wife's one, I 3 throw that out. 4 Q. (By Ms. Rudd) Okay. Let me ask you this then 5 and I will back up just slightly. When you researched 6 the issue of whether there were tribal IDs that came in 7 a standardized form, were you looking at just residence 8 of Texas with tribal ID or were you looking broader than 9 that at any tribes existing in the United States that 10 might have membership in Texas? 11 A. My search was beyond Texas to other -- other 12 tribes outside of Texas. 13 Q. How did you go about researching that issue, 14 more specifically? Did you go and ask tribe members to 15 look at their IDs? I mean, what did you do, if you 16 recall? I know it's been several years now. 17 A. I recall asking Representative Gonzalez's 18 office for information on -- on the issue. I recall 19 contacting a State agency for information on the 20 populations of the tribes in Texas. 21 Q. Did Representative Gonzalez provide you with 22 any information about the types of tribal IDs that 23 residents of Texas might carry? 24 A. I believe they did. I cannot recall the 25 specifics of that information though.</p>	<p style="text-align: right;">140</p> <p>1 population? Do you have any sense of kind of what your 2 view of the size of that population in Texas was after 3 doing this research? 4 A. I don't recall my conclusion. The information 5 that I gathered I remember that the forms did not have a 6 standard. They were not standard -- I did not feel that 7 they were standardized, and -- but I don't remember the 8 conclusion on the population. 9 Q. Okay. Was the standardization of the form more 10 important than how many people it might effect? 11 A. I didn't have an opinion either way on that. I 12 was gathering the information. 13 Q. Okay. So you didn't formulate an opinion about 14 how Representative Harless might view the particular 15 amendment after doing your research? 16 A. Not that I recall. 17 Q. Okay. 18 MS. RUDD: We can go off the record. 19 (Recess from 2:35 p.m. to 2:51 p.m.) 20 Q. (By Ms. Rudd) So we're going speed through this 21 now. 22 A. Okay. 23 Q. Ready? 24 A. Let's do it. 25 Q. Okay. Before the break we were talking about</p>

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<p style="text-align: right;">141</p> <p>1 some of the concerns that Representative Harless had 2 about the various forms of alternate photo ID proposed 3 through some of the amendments we've been looking at. 4 Do you recall that?</p> <p>5 A. Yes.</p> <p>6 Q. And you mentioned two things: One is that 7 there was a concern that some of these forms of ID 8 weren't standardized correct?</p> <p>9 A. Correct.</p> <p>10 Q. Can you tell me what you mean by that, 11 specifically? Standardized can have a lot of meanings, 12 so do you have a sense of what you mean by the term 13 standardized?</p> <p>14 A. Readily identifiable by someone, a uniform 15 appearance in the identification, easily recognized.</p> <p>16 Q. Okay. So just to give an example, I have a 17 form of Texas ID, a driver's license, that I don't think 18 looks like anybody's driver's license anymore because I 19 for some reason have retained the old form of the Texas 20 driver's license. Would a difference like that, just 21 looking at the face of a photo ID make it not 22 standardized, in your opinion?</p> <p>23 MR. SCOTT: Objection, form, vague.</p> <p>24 MS. HALPERN: Do want you to show us your 25 driver's license?]</p>	<p style="text-align: right;">143</p> <p>1 your mind?</p> <p>2 A. Nonstandardized student ID, in my mind, would 3 be a difference between University of Texas, the 4 University of Texas-El Paso, the University of -- across 5 various campuses, you're going to have different 6 identifications. In my mind, that would be a 7 nonstandard form of identification.</p> <p>8 Q. Most of the students who live in Austin and go 9 to U.T. are going to be going to polling places near 10 where they live, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And one of the things you mentioned is that the 13 problem with standardization is that IDs might not be 14 easily recognizable to poll workers, correct? Election 15 workers?</p> <p>16 A. Yes.</p> <p>17 Q. Is it your view that in a city like Austin, 18 where U.T. is the predominant institution of higher 19 learning, poll workers would have difficulty recognizing 20 a U.T. student ID?</p> <p>21 MS. HALPERN: Objection, assumes facts not 22 in evidence.</p> <p>23 MR. SCOTT: Objection, form, foundation.</p> <p>24 MS. RUDD: Arthur, you want to jump in?</p> <p>25 MR. SCOTT: He doesn't have anybody</p>
<p style="text-align: right;">142</p> <p>1 MS. RUDD: It's really old, not expired.</p> <p>2 A. Because all driver's licenses were issued that 3 way at the time, I would consider that a standard form, 4 even though it might not look like the one that is 5 currently being -- being issued, but.</p> <p>6 Q. (By Ms. Rudd) Okay. So facial discrepancies 7 don't necessarily make something nonstandardized, in 8 your mind?</p> <p>9 A. It would kind of depend on a case-by-case kind 10 of situation with each -- each form of identification.</p> <p>11 Q. Okay. Well, let's use an example something 12 that's not part of Senate Bill 14, which is student ID.</p> <p>13 A. Yes.</p> <p>14 Q. Student populations tend to be centered around 15 a particular institution of learning, correct? So U.T. 16 students are all kind of, you know -- U.T. is in the 17 middle of Austin, people go to the U.T., get a U.T. ID, 18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know whether U.T. IDs change from year 21 to year in terms of their appearance?</p> <p>22 A. I don't know.</p> <p>23 Q. I don't either. Would a change in appearance 24 from year to year when it comes to a student ID of the 25 University of Texas make that ID nonstandardized, in</p>	<p style="text-align: right;">144</p> <p>1 separate he represents. (Laughing.)</p> <p>2 A. The students in Austin would use -- would -- an 3 election worker in Austin might recognize a student ID, 4 but what we were trying to do is craft legislation for the 5 entire state. So while that might be the case here in 6 Austin, it wouldn't be the case in Dalhart, Texas, or 7 elsewhere, where they might not recognize that form of 8 identification.</p> <p>9 Q. (By Ms. Rudd) Did you actually interview any 10 election workers anywhere in the state of Texas about 11 what forms of identification would be easily 12 recognizable to them, prior to passage of SB 14?</p> <p>13 A. I don't believe I did personally. There was 14 testimony I believe in committee either in the House or 15 Senate regarding that issue.</p> <p>16 Q. Do you recall what specific forms of ID that 17 testimony dealt with?</p> <p>18 A. No, I do not recall.</p> <p>19 Q. Did you personally formulate in your mind any 20 criteria for determining whether a particular form of ID 21 would be standard for purposes of being acceptable under 22 SB 14?</p> <p>23 A. The forms contained in the bill I believe met 24 that criteria. The proposed ones on a case-by-case 25 basis were deemed not have been acceptable standardized</p>

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<p style="text-align: right;">145</p> <p>1 forms.</p> <p>2 Q. I understand that. What I want to know is</p> <p>3 whether in your mind you came up with any form of</p> <p>4 criteria for evaluating for purposes of talking to</p> <p>5 Representative Harless or formulating a position on some</p> <p>6 of these amendments, whether you ever formulated -- let</p> <p>7 me just strike that whole thing. I just got jibberish.</p> <p>8 MS. HALPERN: Thank you.</p> <p>9 Q. (By Ms. Rudd) Did you formulate any form of the</p> <p>10 criteria yourself in evaluating the various forms of</p> <p>11 proposed ID to determine whether those IDs were</p> <p>12 standardized?</p> <p>13 A. Not that I can recall.</p> <p>14 Q. Okay. Did you ever discuss any criteria for</p> <p>15 making that judgment with Representative Harless?</p> <p>16 A. Those decisions I believe were made on an</p> <p>17 identification-by-identification basis, so I -- I don't</p> <p>18 recall any specific criteria.</p> <p>19 Q. Okay. Going back to the House Journal we were</p> <p>20 talking before the break about, Amendment 30 on Page</p> <p>21 984, that amendment although adopted on this date, was</p> <p>22 ultimately removed from the bill, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And I may have asked this, so I'm sorry if I'm</p> <p>25 repeating myself, but do you know whether Representative</p>	<p style="text-align: right;">147</p> <p>1 A. Yes.</p> <p>2 Q. And that amendment would have enabled the State</p> <p>3 to gauge how this -- how this Voter ID legislation was</p> <p>4 impacting voters without the required forms of photo ID,</p> <p>5 correct?</p> <p>6 MS. HALPERN: Objection, states facts not</p> <p>7 in evidence, no foundation.</p> <p>8 A. The amendment does appear to give the Secretary</p> <p>9 of State -- it requests the Secretary of State collect</p> <p>10 data on -- on, yeah, the precinct and demographic</p> <p>11 information, but that's as much as I can tell from</p> <p>12 reading the amendment.</p> <p>13 Q. (By Ms. Rudd) Okay. Let me ask you this</p> <p>14 question: Is there any way to track the type of</p> <p>15 information that's the subject matter of Amendment 14</p> <p>16 right now? Is there any centralized place where records</p> <p>17 of provisional voting or eligible voters turned away</p> <p>18 from the ballot box is kept?</p> <p>19 A. I -- I don't know.</p> <p>20 Q. Prior to the passage of SB 14, was there any</p> <p>21 centralized way to determine whether voters were being</p> <p>22 turned away or casting provisional ballots, that you</p> <p>23 know of?</p> <p>24 A. I don't know. That information might be kept</p> <p>25 at the local level by the local -- local election clerks</p>
<p style="text-align: right;">146</p> <p>1 Harless supported the use of tribal ID as form of photo</p> <p>2 identification for voting purposes?</p> <p>3 A. I don't recall what her vote was on that</p> <p>4 specific amendment.</p> <p>5 Q. Did you have discussions with her where she</p> <p>6 vocalized an opinion about the use of tribal IDs?</p> <p>7 A. I don't recall.</p> <p>8 Q. In any event, Amendment 30 didn't carry with</p> <p>9 the final version of SB 14, correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. Let's turn to Page 1015. I want to look</p> <p>12 at Amendment Number 54. Amendment Number 54 was offered</p> <p>13 -- are you with me?</p> <p>14 A. I'm trying to find it here. Yes.</p> <p>15 Q. Okay. Amendment 54 was offered by</p> <p>16 Representative Alvarado, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And Representative Alvarado is a Democratic --</p> <p>19 A. Yes, she is.</p> <p>20 Q. And this amendment would have required the</p> <p>21 Secretary of State to keep detailed records of eligible</p> <p>22 voters who were prevented from voting, eligible voters</p> <p>23 who were required to file provisional ballots and record</p> <p>24 the number of provisional ballots that were not counted,</p> <p>25 correct? I'm summarizing.</p>	<p style="text-align: right;">148</p> <p>1 but I'm not aware.</p> <p>2 Q. Did you reach out to any local election clerks</p> <p>3 or any local precincts in your research regarding Voter</p> <p>4 ID legislation to determine how many voters were turned</p> <p>5 away from the polls in each individual precinct prior</p> <p>6 the passage of SB 14?</p> <p>7 A. I don't recall.</p> <p>8 Q. Most of the information you gathered in your</p> <p>9 research was from centralized offices of the State,</p> <p>10 correct?</p> <p>11 A. The Secretary of State's Office, yes.</p> <p>12 Q. And the Office of the Attorney General?</p> <p>13 A. Yes.</p> <p>14 Q. And the Department of Public Safety? I think</p> <p>15 you sought information from the DPS as well; is that</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. So you weren't in general looking to local</p> <p>19 precincts for information in connection with your</p> <p>20 research regarding Voter ID legislation; is that right?</p> <p>21 A. We did have some communications with local</p> <p>22 officials on the broad issue of voter identification. I</p> <p>23 don't recall the specifics of those conversations.</p> <p>24 Q. Do you know which local officials you had</p> <p>25 discussions with about Voter ID legislation?</p>

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<p style="text-align: right;">149</p> <p>1 A. Harris County election officials.</p> <p>2 Q. Why Harris County?</p> <p>3 A. Representative Harless's district is contained</p> <p>4 within Harris County.</p> <p>5 Q. And do you recall in general what the subject</p> <p>6 matter of those conversations was?</p> <p>7 A. Not that I can recall.</p> <p>8 Q. Turning back to Amendment Number 54,</p> <p>9 Representative Harless moved to table that amendment,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. And that motion carried with Representative</p> <p>13 Harless voting in favor of it, correct?</p> <p>14 A. Yes.</p> <p>15 Q. If you turn to Page 1021, I want to look at</p> <p>16 Amendment Number 58. Amendment 58 was proposed by</p> <p>17 Representative Anchia, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And Representative Anchia is a Democrat,</p> <p>20 correct?</p> <p>21 A. Yes, he is.</p> <p>22 Q. And Amendment 58 would have postponed the</p> <p>23 effect of SB 14 into the later of January 1, 2012, or</p> <p>24 the date on which the Secretary of State completed a</p> <p>25 study that provided an analysis of the access to photo</p>	<p style="text-align: right;">151</p> <p>1 SB 14?</p> <p>2 A. Because the Secretary of State is the official</p> <p>3 record keeper for those, that information, that's who we</p> <p>4 approached with -- with that inquiry. I don't recall</p> <p>5 any other inquiries beyond that.</p> <p>6 Q. Okay. The study called for in Amendment 58</p> <p>7 would have disaggregated the data collected by ethnicity</p> <p>8 and county, correct, if you look at Section 2 A there?</p> <p>9 A. Yes.</p> <p>10 Q. I think you testified earlier that when you</p> <p>11 reached out to the Secretary of State, you couldn't</p> <p>12 determine from the numbers provided to you what</p> <p>13 ethnicity the particular people who lacked the form of</p> <p>14 photo ID was, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Was there any other way, prior to the passage</p> <p>17 of SB 14, for you to determine what population or</p> <p>18 whether particular populations by racial or ethnic</p> <p>19 minorities lacked the form of photo required by SB 14?</p> <p>20 A. Not that I can recall.</p> <p>21 Q. Did you attempt to perform any analysis of any</p> <p>22 kind prior to the passage of SB 14 about whether certain</p> <p>23 racial minorities lacked the forms of photo ID that were</p> <p>24 required under the bill?</p> <p>25 A. Because that information was not collected with</p>
<p style="text-align: right;">150</p> <p>1 identification by state residents and the cost of</p> <p>2 obtaining certain forms of photo identification,</p> <p>3 correct?</p> <p>4 A. Yes, that appears to be what the amendment is.</p> <p>5 Q. And did you have any discussions with</p> <p>6 Representative Harless about the subject matter of this</p> <p>7 amendment prior to the passage of SB 14?</p> <p>8 A. Not that I can recall.</p> <p>9 Q. But this amendment would have called for the</p> <p>10 Secretary of State to sort of study how many state</p> <p>11 residents actually would be impacted in terms of lacking</p> <p>12 the form of ID required by SB 14, correct?</p> <p>13 A. I'm sorry, could you state that again?</p> <p>14 Q. Sure. This amendment called for the Secretary</p> <p>15 of State to actually study which Texas residents might</p> <p>16 not have the forms of photo required by SB 14, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And did you, in Representative Harless's</p> <p>19 office, perform any analysis of -- other than what we've</p> <p>20 seen? I know you've reached out to the Secretary of</p> <p>21 State's office regarding the sort of database of people</p> <p>22 who registered without certain forms of identification,</p> <p>23 but beyond that, did you perform any analysis in your</p> <p>24 office about which voters in Representative Harless's</p> <p>25 district might not have the forms of required ID under</p>	<p style="text-align: right;">152</p> <p>1 voter registration information, not that I can recall.</p> <p>2 Q. Representative Harless then moved to table</p> <p>3 Amendment 58, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did you have any discussions with</p> <p>6 Representative Harless about tabling this particular</p> <p>7 amendment?</p> <p>8 A. Not that I can recall.</p> <p>9 Q. And then that motion carried with</p> <p>10 Representative Harless voting in its favor, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Last one. If you turn to the Page 1025, I want</p> <p>13 to look at Amendment Number 62. Amendment 62 was</p> <p>14 proposed by Representative Strama, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Is Strama a Democrat or Republican?</p> <p>17 A. He is a Democrat.</p> <p>18 Q. Okay. And this amendment would have required a</p> <p>19 number of things but I'm just going stick with the</p> <p>20 headings here: It would have required an Election</p> <p>21 Integrity Training. Turning to the next page, the</p> <p>22 creation of an Election Integrity Task Force --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- and a Post-Election Integrity Audit,</p> <p>25 correct?</p>

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<p style="text-align: right;">153</p> <p>1 A. Yes.</p> <p>2 Q. And those measures would have provided some</p> <p>3 training for election officers and law enforcement</p> <p>4 personnel in detecting voter fraud, correct? If you</p> <p>5 look back to section -- the first -- 31.012?</p> <p>6 A. Yes.</p> <p>7 Q. And if you look to 27 -- 273.005, the Election</p> <p>8 Integrity Task Force would have investigated and</p> <p>9 prosecuted instances of voter fraud where there was</p> <p>10 in-person -- or impersonation of a voter, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And then the Post-Election Integrity Audit</p> <p>13 would have allowed counties to conduct audits to examine</p> <p>14 and investigate evidence of voter fraud in their county,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And would you agree with me that those measures</p> <p>18 are designed to protect the integrity of the ballot box</p> <p>19 or would have, you know, in some way protected the</p> <p>20 integrity of the ballot box?</p> <p>21 A. Reading the amendment, it does seem that this</p> <p>22 -- those issues are addressed in his amendment, yes.</p> <p>23 Q. Did you discuss the subject matter of this</p> <p>24 amendment with Representative Harless at all?</p> <p>25 A. Not that I remember.</p>	<p style="text-align: right;">155</p> <p>1 that would have enhanced local election officials'</p> <p>2 ability to detection in-person voter fraud?</p> <p>3 A. I don't remember.</p> <p>4 Q. One of the other forms of voter fraud that I've</p> <p>5 seen come up a lot is absentee ballot voter fraud. Are</p> <p>6 you aware of that type of voter fraud?</p> <p>7 A. Yes.</p> <p>8 Q. While you were working for Representative</p> <p>9 Harless, did she undertake any measures or propose any</p> <p>10 legislation that would have addressed absentee ballot</p> <p>11 voter fraud?</p> <p>12 A. I know she was supportive of other legislation</p> <p>13 during that session that addressed the issue of mail-in</p> <p>14 ballot fraud, absentee ballot fraud. I can't speak to</p> <p>15 the specific pieces of legislation. I do know that</p> <p>16 there were several filed that session regarding that</p> <p>17 issue and I know she was supportive of that.</p> <p>18 Q. None of that legislation passed, correct?</p> <p>19 MS. HALPERN: Object to -- objection,</p> <p>20 vague; objection, mischaracterizes the legislative</p> <p>21 process.</p> <p>22 A. Because there was several bills filed and I</p> <p>23 don't know the end result of those proposals, they could</p> <p>24 have been on in another form in another bill and I</p> <p>25 wasn't aware of, so I can't speak to the final</p>
<p style="text-align: right;">154</p> <p>1 Q. One of the things that you testified to earlier</p> <p>2 is that in-person Voter ID fraud is difficult to detect;</p> <p>3 is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. Do you believe that some of these measures</p> <p>6 would increase election officials or counties' ability</p> <p>7 to detect in-person voter fraud?</p> <p>8 A. Without nothing more about this amendment, I</p> <p>9 don't know if I can say that entirely. I does appear</p> <p>10 that this is aimed at voter fraud. And I just don't</p> <p>11 remember the debate on this amendment and Representative</p> <p>12 Strama's -- I don't remember the debate on it, but it</p> <p>13 does appear to address some of those issues.</p> <p>14 Q. While you were working for Representative</p> <p>15 Harless, did her office propose any measures to increase</p> <p>16 the detection of in-person voter fraud in Texas?</p> <p>17 A. I would say that Senate Bill 14 would increase</p> <p>18 the detection of in-person voter fraud.</p> <p>19 Q. How does Senate Bill 14 do that?</p> <p>20 A. By providing an additional tool for election</p> <p>21 workers to determine if who was voting is who they say</p> <p>22 they are.</p> <p>23 Q. Other than requiring photo ID under Senate Bill</p> <p>24 14, did Representative Harless undertake any measures or</p> <p>25 draft any legislation while you were working for her</p>	<p style="text-align: right;">156</p> <p>1 disposition of those bills.</p> <p>2 Q. (By Ms. Rudd) Is that because the focus in</p> <p>3 Representative Harless's office during the legislative</p> <p>4 session in 2011 was on SB 14 and photo voter ID?</p> <p>5 A. We had our hands full with this bill.</p> <p>6 Q. Okay. And if you look back, Amendment Number</p> <p>7 62, ultimately, Representative Phillips raised a point</p> <p>8 of order, correct, which was withdrawn?</p> <p>9 A. I'm sorry.</p> <p>10 Q. Sorry, we're on page 1026.</p> <p>11 A. Okay. Correct, Representative Phillips raised</p> <p>12 a point of order.</p> <p>13 Q. And then ultimately, Representative Harless</p> <p>14 moved to table that amendment and that motion prevailed,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. With Representative Harless voting in favor of</p> <p>18 her own motion, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. With all of these amendments we've just</p> <p>21 looked at -- and I realize there are a number of others</p> <p>22 we didn't look at -- for the most part, you had</p> <p>23 Democrats suggesting amendments to SB 14 and then</p> <p>24 Republicans killing those amendments; is that a fair</p> <p>25 characterization?</p>

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<p style="text-align: right;">157</p> <p>1 A. There were a number of -- a great number of 2 amendments that were offered that day. The majority of 3 which were offered by Democratic Representatives. There 4 were ones that were offered by Democratic 5 Representatives that were acceptable, I believe that 6 were adopted. There were ones also by Republican 7 Representatives. So the majority of which, yes, were -- 8 were -- the Democratic Representatives did offer the 9 majority of the amendments and the majority of them were 10 tabled.</p> <p>11 Q. And is it fair to say that in terms of the 12 amendment process with Senate Bill 14, the voting on 13 amendments was relatively politically polarized?</p> <p>14 A. I'd have to go back and look on the majority of 15 them. There were -- it was mostly along party lines. 16 That was not always the case. From my memory, there 17 were sometimes Democratic Representatives who were 18 voting along with the Republicans and vice versa.</p> <p>19 Q. I understand that. And there's always one 20 person on one side of the aisle that was voting with the 21 opposite party, but for the most part, SB 14 was one of 22 these bills that divided along party lines when it came 23 to voting on a bill, correct?</p> <p>24 A. Correct.</p> <p>25 Q. Is it your opinion that minority groups</p>	<p style="text-align: right;">159</p> <p>1 document.</p> <p>2 MR. SCOTT: Have they all been except for 3 Exhibit Number 9?</p> <p>4 MS. HALPERN: 8 was not.</p> <p>5 MR. SCOTT: And Exhibit 8?</p> <p>6 MS. RUDD: I believe that's right.</p> <p>7 MR. SCOTT: Okay.</p> <p>8 MR. GEER: While he's looking for that if 9 you don't mind, just for the record, even though some of 10 these, Exhibit 3, for example, I don't believe that was 11 marked as highly confidential, but some of these things 12 are part of the Legislative Record which were produced 13 in the previous case which were not marked as highly 14 confidential, so.</p> <p>15 MR. SCOTT: Okay. Thank you.</p> <p>16 MS. HALPERN: If you have a version of it 17 with a Bates stamp number that doesn't have a highly 18 confidential on it, then you probably have an argument.</p> <p>19 MR. SCOTT: Well, no, I think -- I think 20 in the last case there were some documents that were -- 21 there were no legislative -- the court ruled that Leg 22 priv didn't apply to the documents and so, were those 23 turned over, those don't have highly confidential 24 stamped on them.</p> <p>25 MR. GEER: And it was a joint motion where</p>
<p style="text-align: right;">158</p> <p>1 concerns about the impact of SB 14 were addressed during 2 the legislative process surrounding SB 14?</p> <p>3 MS. HALPERN: Compound -- objection, 4 compound.</p> <p>5 A. I believe that their concerns were addressed in 6 Senate Bill 14, and there were several members of the 7 legislature who are minorities who are -- who identified 8 themselves as Republicans who voted in favor of the bill 9 who felt similar.</p> <p>10 Q. (By Ms. Rudd) Again, that was along party lines 11 though, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Let's do this really quickly. We're done with 14 that exhibit.</p> <p>15 (Exhibit 10 marked for identification.)</p> <p>16 Q. (By Ms. Rudd) This could be a really quick line 17 of questioning: Do you recognize what's been marked as 18 Beuck Exhibit 10? And feel free to thumb through it.</p> <p>19 A. Okay.</p> <p>20 Q. I'm just trying to place what this document 21 is. And for the record it's Bates numbered TX 6959 22 through 6974.</p> <p>23 MR. SCOTT: And that's highly 24 confidential?</p> <p>25 MS. RUDD: It is a highly confidential</p>	<p style="text-align: right;">160</p> <p>1 we introduced the Legislative history.</p> <p>2 MR. SCOTT: Yeah. Okay.</p> <p>3 A. This appears to be the information prepared for 4 the final passage of Senate Bill 14, the Conference 5 Committee report to Senate Bill 14.</p> <p>6 Q. (By Ms. Rudd) Okay. Were you involved at all 7 with the compilation of this document or the information 8 that went into this document?</p> <p>9 A. Yes, I believe so.</p> <p>10 Q. Do you recognize the handwriting on this 11 document?</p> <p>12 A. That is not my handwriting.</p> <p>13 Q. And you don't recognize it?</p> <p>14 A. I believe that's Representative Harless's 15 handwriting.</p> <p>16 Q. Okay. We'll come back to that.</p> <p>17 I want to circle back to one issue and 18 then I have one quick line of questions and then we 19 should be done, as least with me.</p> <p>20 You had communications with other States' 21 officials in connection with the consideration of SB 14; 22 is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. You spoke with the Secretary of State from 25 Georgia, Brian Kemp; is that right?</p>

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<p style="text-align: right;">161</p> <p>1 A. Correct.</p> <p>2 Q. Did you also speak with the Secretary of State</p> <p>3 for Indiana or any officials from Indiana?</p> <p>4 A. I don't remember if he was an official with the</p> <p>5 State of Indiana. I do believe he was at some point</p> <p>6 involved within the Indiana government. But yes, there</p> <p>7 was an individual from Indiana that I spoke with.</p> <p>8 Q. And did you reach out to those individuals? Is</p> <p>9 that how --</p> <p>10 A. Yes.</p> <p>11 Q. Okay. What were those conversations about?</p> <p>12 Let's start with your conversation with Secretary Kemp.</p> <p>13 A. We reached out to the Georgia Secretary of</p> <p>14 State's Office in our attempt to bring in witnesses for</p> <p>15 the testimony on Senate Bill 14 in the committee.</p> <p>16 Q. And you wanted that testimony because Georgia</p> <p>17 had been successful in passing photo ID legislation?</p> <p>18 A. Correct.</p> <p>19 Q. And you actually helped prepare Secretary Kemp</p> <p>20 for his testimony before the committee on SB 14,</p> <p>21 correct?</p> <p>22 A. I don't recall if I prepared him for the</p> <p>23 testimony. I don't recall.</p> <p>24 Q. Okay. He did provide testimony; is that</p> <p>25 correct?</p>	<p style="text-align: right;">163</p> <p>1 A. I do not.</p> <p>2 Q. The bottom e-mail says -- from you says, "Matt</p> <p>3 and Vincent, here is a link to a story on some of the</p> <p>4 Capitol news from yesterday with an interview from</p> <p>5 Secretary Kemp. He did a really great job representing</p> <p>6 your State and the benefits of photo ID. Thank you for</p> <p>7 your help in setting things up in such a short time."</p> <p>8 So that's basically your thank-you to them for helping</p> <p>9 you get Secretary Kemp to testify, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And then Mr. Russo responds to you on March 3,</p> <p>12 2011, and says, "Thanks, Colby. Please let us know if</p> <p>13 there's anything else we can assist with and thanks for</p> <p>14 all your help and preparation for Secretary Kemp's</p> <p>15 testimony." Does that refresh your recollection that</p> <p>16 you helped prepare Secretary Kemp or his office in</p> <p>17 connection with his testimony?</p> <p>18 A. I don't know what that -- what his statement is</p> <p>19 referring to in that context. We did help with his</p> <p>20 coordinating on how he was going to come to Austin and</p> <p>21 the details of the committee and preparing him with --</p> <p>22 with what the Senate Bill 14 -- I believe I did send him</p> <p>23 a copy of Senate Bill 14. I do not recall an</p> <p>24 involvement in his testimony before the committee.</p> <p>25 Q. Okay. Well, you've anticipate my</p>
<p style="text-align: right;">162</p> <p>1 A. Yes, he did provide testimony and his accounts</p> <p>2 of the experience in Georgia with photo ID.</p> <p>3 Q. Outside of what he put into the public record,</p> <p>4 did you have any conversations with him about Georgia's</p> <p>5 experience in trying to get photo ID legislation passed?</p> <p>6 A. I don't recall.</p> <p>7 (Exhibit 11 marked for identification.)</p> <p>8 MS. HALPERN: Are we through with Exhibit</p> <p>9 10?</p> <p>10 MS. RUDD: Yes, for now.</p> <p>11 Q. (By Ms. Rudd) Exhibit 11 is a document. I'm</p> <p>12 going to look at the very bottom Bates number, Bates</p> <p>13 Number TX 91245. And this is an e-mail string between</p> <p>14 you and a person named Vincent Russo and Matthew</p> <p>15 Carrothers, correct?</p> <p>16 A. Yes, yes.</p> <p>17 Q. Were Mr. Russo and Mr. Carrothers staffers of</p> <p>18 Secretary Kemp's?</p> <p>19 A. I believe so.</p> <p>20 Q. If you look at the top e-mail, it looks like</p> <p>21 Mr. Russo was the Secretary Kemp's general counsel; is</p> <p>22 that right?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall what Mr. Carrother's position was</p> <p>25 to Secretary Kemp?</p>	<p style="text-align: right;">164</p> <p>1 question. Did you provide him any talking points or in</p> <p>2 any way tell what the committee might be looking for in</p> <p>3 the way of testimony?</p> <p>4 A. I don't recall anything specific. I do believe</p> <p>5 I did send them a copy of the bill that was being</p> <p>6 proposed. I just don't recall anything specific at this</p> <p>7 time.</p> <p>8 Q. Okay. The other person -- you said you also</p> <p>9 spoke with an official from Indiana, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And what did that conversation involve? Was</p> <p>12 that one conversation or more than one, if you recall?</p> <p>13 A. I believe there was -- there were -- there was</p> <p>14 more than one conversation.</p> <p>15 Q. And do you recall what those conversations</p> <p>16 involved?</p> <p>17 A. Similar to the -- my conversations with the</p> <p>18 officials from Georgia. We were looking to bring in</p> <p>19 experts from other states who have had experience with</p> <p>20 photo identification, and the gentleman that I was</p> <p>21 speaking with in Indiana did have experience with</p> <p>22 Indiana's photo identification law.</p> <p>23 Q. Do you know the types of ID that are</p> <p>24 permissible under the Georgia and Indiana laws?</p> <p>25 A. I did at the time. I don't recall right now.</p>

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<p style="text-align: right;">165</p> <p>1 Q. Fair enough. Do you recall generally whether</p> <p>2 Georgia and Indiana allow for more forms of photo ID</p> <p>3 than is permitted under SB 14?</p> <p>4 A. I don't recall without looking at their</p> <p>5 specific statutes.</p> <p>6 Q. Do you know whether Georgia and Indiana permit</p> <p>7 tribal ID as a form of photo identification at the</p> <p>8 polls?</p> <p>9 A. I don't recall.</p> <p>10 Q. Okay. Last line of questioning and then I'm</p> <p>11 through. And this is just by way of summary: You were</p> <p>12 aware that a number of racial minority groups were</p> <p>13 opposed to SB 14, correct?</p> <p>14 MS. HALPERN: Objection, misstates the</p> <p>15 record.</p> <p>16 MS. RUDD: Just asking for his awareness.</p> <p>17 MS. HALPERN: Objection, no foundation.</p> <p>18 Can I have the question read back?</p> <p>19 (Requested portion was read back by the</p> <p>20 court reporter.)</p> <p>21 MR. SCOTT: I'll join the objections.</p> <p>22 MS. HALPERN: And I'm going to say the</p> <p>23 question is vague too.</p> <p>24 MS. RUDD: Okay.</p> <p>25 MS. HALPERN: Do you mean groups as in</p>	<p style="text-align: right;">167</p> <p>1 MS. HALPERN: Object --</p> <p>2 MR. SCOTT: Objection. They're all</p> <p>3 Democrat.</p> <p>4 MS. RUDD: Probably, once upon a time.</p> <p>5 Democratic party has changed quite a bit.</p> <p>6 MS. HALPERN: Are you referring to Lyndon</p> <p>7 Johnson?</p> <p>8 Q. (By Ms. Rudd) There is a history of</p> <p>9 voting-related discrimination in Texas, right?</p> <p>10 MR. SCOTT: Objection, form.</p> <p>11 A. The --</p> <p>12 MS. HALPERN: Objection, foundation.</p> <p>13 MS. RUDD: Are you kidding?</p> <p>14 Q. (By Ms. Rudd) Section 5 of the Voting Rights</p> <p>15 Act was specifically targeted at ameliorating the</p> <p>16 effects of historical discrimination at polls, correct?</p> <p>17 A. I believe that is the reason that Texas was</p> <p>18 placed within Section 5.</p> <p>19 Q. Right. Texas was required to get preclearance</p> <p>20 under Section 5 because there's a history of</p> <p>21 voting-related discrimination in Texas, correct?</p> <p>22 MR. SCOTT: Objection, form.</p> <p>23 Q. (By Ms. Rudd) Are you going to dispute that</p> <p>24 there's that history in Texas --</p> <p>25 A. I --</p>
<p style="text-align: right;">166</p> <p>1 organizations or do you mean entire ethnic groups.</p> <p>2 MS. RUDD: If he can answer my question,</p> <p>3 he can answer it. If he has problems answering it, I'll</p> <p>4 clarify it for him.</p> <p>5 A. I was aware that there were minority interest</p> <p>6 groups that were opposed to Senate Bill 14 and had</p> <p>7 concerns.</p> <p>8 Q. Texas NAACP was one of those groups, correct?</p> <p>9 A. I believe so.</p> <p>10 Q. And MALC was one of those groups, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And those, Texas NAACP and MALC, in particular,</p> <p>13 had Representatives provide testimony against SB 14</p> <p>14 during the hearing on SB 14, correct, if you recall?</p> <p>15 A. I believe so.</p> <p>16 Q. And as we've discussed, there were a variety of</p> <p>17 amendments offered by Democratic Representatives on the</p> <p>18 House side that would have allowed additional forms of</p> <p>19 photo ID under SB 14?</p> <p>20 A. Yes.</p> <p>21 Q. The majority of those amendments were rejected,</p> <p>22 as we've just seen, correct?</p> <p>23 A. Yes.</p> <p>24 Q. You're aware that there is a history of</p> <p>25 voting-related discrimination in Texas, right?</p>	<p style="text-align: right;">168</p> <p>1 Q. -- notwithstanding the objection through your</p> <p>2 counsel?</p> <p>3 A. -- I -- I understand. I'm not an expert on</p> <p>4 Texas history with -- with voting rights. I don't know.</p> <p>5 Q. You don't know whether racial minorities were</p> <p>6 ever disenfranchised in Texas in history; is that your</p> <p>7 testimony?</p> <p>8 MR. SCOTT: Objection, form, vague.</p> <p>9 Q. (By Ms. Rudd) Did you ever look into that issue</p> <p>10 in connection with SB 14?</p> <p>11 MS. HALPERN: Objection, relevance.</p> <p>12 MS. RUDD: Now that's an interesting one.</p> <p>13 MS. HALPERN: He's already testified about</p> <p>14 the need for preclearance, so. What he -- what his</p> <p>15 understanding was of why we were at that place doesn't</p> <p>16 matter. We were at that place.</p> <p>17 MS. RUDD: Thank you for your</p> <p>18 testimony. Your testimony isn't what I'm after in this</p> <p>19 case.</p> <p>20 A. Can you -- can you restate the question. I'm</p> <p>21 sorry.</p> <p>22 Q. (By Ms. Rudd) I have no idea what it was at</p> <p>23 this point.</p> <p>24 Are you going dispute that there is a</p> <p>25 history of voting-related discrimination in Texas? Do</p>

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<p style="text-align: right;">169</p> <p>1 you personally have knowledge of that?</p> <p>2 A. Of a history? I --</p> <p>3 MR. SCOTT: Objection, form, vague.</p> <p>4 A. The -- I am not an expert on Texas voting</p> <p>5 rights history. It has been placed under Section 5 for</p> <p>6 that reason. It's the law of the land and that is what</p> <p>7 we live under, so.</p> <p>8 Q. (By Ms. Rudd) Okay. Did you look --</p> <p>9 MR. SCOTT: Objection, nonresponsive.</p> <p>10 Q. (By Ms. Rudd) -- into, in connection with SB</p> <p>11 14, whether there is a history of voting-related</p> <p>12 discrimination in Texas or in connection with any Voter</p> <p>13 ID legislation proposed during the 2011 session?</p> <p>14 A. I don't recall looking into historical</p> <p>15 information on that.</p> <p>16 Q. Was that important to you at all in connection</p> <p>17 with getting Voter ID legislation passed?</p> <p>18 A. Compliance with Section 5 was certainly a</p> <p>19 consideration when I was working on this bill.</p> <p>20 Q. Do you believe that voting in Texas is</p> <p>21 traditionally divided along racial lines? And if you</p> <p>22 don't know what I mean by that, I can -- I can break</p> <p>23 that down for you.</p> <p>24 MS. HALPERN: I don't, so I'm going to</p> <p>25 object on the basis of foundation and vague.</p>	<p style="text-align: right;">171</p> <p>1 that racial minorities in Texas tend to be, as a whole,</p> <p>2 more economically disadvantaged than the White</p> <p>3 population of Texas? If we're just comparing, for</p> <p>4 example, the number the African Americans living below</p> <p>5 the poverty line versus the number of Caucasians?</p> <p>6 MR. SCOTT: Objection, form, vague, time.</p> <p>7 A. I don't have the statistics in front of me and</p> <p>8 the census data on that, but that would be my -- my</p> <p>9 understanding.</p> <p>10 Q. (By Ms. Rudd) Have you ever heard that</p> <p>11 minorities disproportionately lack access to motor</p> <p>12 vehicles?</p> <p>13 MR. SCOTT: Objection, form.</p> <p>14 Q. (By Ms. Rudd) As compared to Whites?</p> <p>15 A. I -- I don't remember that issue coming up or</p> <p>16 that -- I don't recall.</p> <p>17 Q. You don't recall hearing testimony that African</p> <p>18 American voters tend to have motor vehicles in lesser</p> <p>19 numbers than White voters?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay. Have you ever heard that there's a</p> <p>22 higher rate of racial minorities living below the</p> <p>23 poverty line in Texas as compared the Whites?</p> <p>24 MR. SCOTT: Objection, form, vague time.</p> <p>25 A. Have I heard over my lifetime that that's the</p>
<p style="text-align: right;">170</p> <p>1 MS. RUDD: I'm asking about his belief.</p> <p>2 A. Can you -- can you break it down for me?</p> <p>3 Q. (By Ms. Rudd) Sure. Is it your view that there</p> <p>4 is a greater proportion of African American voters who</p> <p>5 vote for Democrats regularly in Texas than Republican?</p> <p>6 A. Yes. It's my understanding that statistically</p> <p>7 African American are more likely to vote Democratic than</p> <p>8 Republican.</p> <p>9 Q. Does the same thing hold true for Hispanic</p> <p>10 voters in Texas, to your knowledge?</p> <p>11 A. I would -- I don't have that information, but.</p> <p>12 I don't know the statistics on how Hispanics vote in</p> <p>13 Texas, but the -- I imagine that has changed over the</p> <p>14 years and it just depends on the candidate and the --</p> <p>15 and what's going on with that election, as well for</p> <p>16 African Americans.</p> <p>17 Q. Would you agree with me that the minority</p> <p>18 population in Texas -- and here I'm talking about racial</p> <p>19 minority. We'll just confine it to that because there</p> <p>20 are lots of different minority groups -- tends to be</p> <p>21 more economically disadvantaged on the whole than White</p> <p>22 population in Texas?</p> <p>23 MS. HALPERN: Objection, foundation.</p> <p>24 A. Can you restate the question? I'm sorry.</p> <p>25 Q. (By Ms. Rudd) Sure. Would you agree with me</p>	<p style="text-align: right;">172</p> <p>1 case? I'm --</p> <p>2 Q. (By Ms. Rudd) Well, let's take since 2011 when</p> <p>3 -- the relevant time period that we're talking about.</p> <p>4 A. Okay.</p> <p>5 Q. Did you hear testimony during the consideration</p> <p>6 of SB 14 that there's a higher proportion of racial</p> <p>7 minorities living below the poverty line in Texas than</p> <p>8 there is Whites?</p> <p>9 A. I don't recall that information during the</p> <p>10 debate but that is my understanding.</p> <p>11 Q. Did you hear claims during the debate over SB</p> <p>12 14 that the justification for the bill was not a</p> <p>13 legitimate justification? And when I'm talking about</p> <p>14 the justification, I'm talking about combating in-person</p> <p>15 voter ID fraud. Did you hear opposition on that basis?</p> <p>16 A. The -- that -- I'm sorry, could you restate the</p> <p>17 question?</p> <p>18 Q. Sure. There were claims, were there not,</p> <p>19 during the debate about SB 14 that the in-person voter</p> <p>20 fraud justification for the bill was not a legitimate</p> <p>21 concern?</p> <p>22 A. Yes, I think that was one of the -- one of the</p> <p>23 points during the debate.</p> <p>24 Q. Do you know what the number of registered</p> <p>25 voters is in Texas today?</p>

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<p style="text-align: right;">173</p> <p>1 A. No, I do not.</p> <p>2 Q. Did you know what the number of registered</p> <p>3 voters was in Texas during 2011?</p> <p>4 A. I'm sure I probably did, but I don't have that</p> <p>5 information right now.</p> <p>6 Q. Would it surprise you to hear that there are</p> <p>7 approximately 14 million people registered to vote in</p> <p>8 Texas?</p> <p>9 A. Okay. If that's the number, then --</p> <p>10 Q. It doesn't surprise you?</p> <p>11 A. It doesn't surprise me.</p> <p>12 MS. HALPERN: What's the source for your</p> <p>13 number, Counsel?</p> <p>14 MS. RUDD: Well, I have good researchers</p> <p>15 working for me.</p> <p>16 MS. HALPERN: If you're just -- you're</p> <p>17 just throwing out a number and said, "Would it surprise</p> <p>18 you," and you've offered that number as a fact, I'm just</p> <p>19 asking.</p> <p>20 MS. RUDD: You know what, these are my</p> <p>21 questions. My questions are my questions. If you want</p> <p>22 to redirect this witness, there -- you can do that.</p> <p>23 That's your option.</p> <p>24 Q. (By Ms. Rudd) Do you know how many cases of</p> <p>25 potential in-person voter fraud you were able to</p>	<p style="text-align: right;">175</p> <p>1 MS. HALPERN: Do want to take a break</p> <p>2 before you switch places?</p> <p>3 MR. GEER: You'd like to take a break?</p> <p>4 THE WITNESS: If that's okay.</p> <p>5 (Recess from 3:45 p.m. to 3:59 p.m.)</p> <p>6 EXAMINATION</p> <p>7 BY MR. GEER:</p> <p>8 Q. All right. Back on the record. Before we get</p> <p>9 started, this is essentially Round 2.</p> <p>10 A. Okay.</p> <p>11 Q. I wanted to just lay out some of the ground</p> <p>12 rules. You understand that you're continuing to be</p> <p>13 under oath?</p> <p>14 A. Yes.</p> <p>15 Q. And that you're expected to give a full,</p> <p>16 complete and truthful answer?</p> <p>17 A. Yes.</p> <p>18 Q. And that if there's anytime during the</p> <p>19 deposition that you have -- you don't understand a</p> <p>20 question that I'm asking you, you're always -- it's</p> <p>21 always okay to ask me to clarify or repeat the question.</p> <p>22 Do you understand that?</p> <p>23 A. Yes.</p> <p>24 Q. During the course of the deposition, I'll be</p> <p>25 asking questions and you'll be answering, so it's</p>
<p style="text-align: right;">174</p> <p>1 identify in your research of voter ID legislation?</p> <p>2 A. I don't recall that number.</p> <p>3 Q. Was it less than twenty?</p> <p>4 A. I don't recall that number.</p> <p>5 Q. Okay. You have no general sense of the</p> <p>6 ballpark of how many cases of in-person voter ID fraud</p> <p>7 have been determined in Texas?</p> <p>8 A. That I identified?</p> <p>9 Q. Would you say it's a big number or a small</p> <p>10 number?</p> <p>11 A. The number I -- my research as we discussed was</p> <p>12 with the Office of Attorney General and researching the</p> <p>13 local District Attorneys and their efforts, and I just</p> <p>14 don't recall the number, the final. There wasn't a</p> <p>15 final number that I came up with. There were pending</p> <p>16 cases out there when I was doing this research.</p> <p>17 Q. Prior to the passage of SB 14, did you form any</p> <p>18 opinion about the number of -- of cases of in-person</p> <p>19 voter ID fraud relative to the population of registered</p> <p>20 voters in Texas?</p> <p>21 A. I don't recall making that comparison.</p> <p>22 MR. SCOTT: Linda, I probably have some</p> <p>23 follow-up to some of the questions she asked.</p> <p>24 MS. HALPERN: That's fine.</p> <p>25 MS. RUDD: Okay. I'm done.</p>	<p style="text-align: right;">176</p> <p>1 important that you, you know, you give a verbal</p> <p>2 response, no shaking of the head, and you've done very</p> <p>3 well with that aspect of the deposition, but you</p> <p>4 understand that continues on?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. I wanted to go back to a line of</p> <p>7 questions that were asked of you during the first part</p> <p>8 of the deposition regarding history of discrimination in</p> <p>9 Texas. And I want to go much broader and leave</p> <p>10 Republicans and Democrats out of it because none of that</p> <p>11 matters.</p> <p>12 Would you agree that there is a history of</p> <p>13 discrimination in voting in the state of Texas? And I'm</p> <p>14 talking in as far as time period is concerned, I just</p> <p>15 want to know what your knowledge is of history of</p> <p>16 discrimination in Texas.</p> <p>17 A. It's my understanding that the Voting Rights</p> <p>18 Act came about -- Texas was placed under Section 5 of</p> <p>19 the Voting Rights Act. I don't know the reasoning</p> <p>20 behind Texas being placed under -- under that section.</p> <p>21 Q. And the Voting Rights Act was put in place with</p> <p>22 -- with the purpose of defending against discrimination</p> <p>23 in voting?</p> <p>24 A. I believe that's one of the purposes,</p> <p>25 generally. I don't know every provision that's in the</p>

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<p style="text-align: right;">177</p> <p>1 Voting Rights Act but I believe that is one of the 2 purposes. 3 Q. So tying this whole discussion about history of 4 discrimination into the relevance of SB 14, isn't it 5 fair to say that during the public debate regarding SB 6 14, there was discussion that SB 14 may amount to a poll 7 tax? Do you recall that public debate? 8 A. That, I believe was an issue. Those words, 9 "poll tax" were I believe used at some point during the 10 debate. I can't remember when or how that came about, 11 but I do remember hearing those words. 12 Q. What is a poll tax, do you know? 13 A. Those -- this is my understanding from history, 14 that it was a fee or -- in order to vote, you had to pay 15 a fee to vote. And -- 16 Q. Go ahead. 17 A. -- that's my understanding. It's been quite 18 some time since I've studied that. 19 Q. And did you understand that at some point in 20 Texas's history, Texas had a poll tax at the voting -- 21 at the polling place. Do you understand that? 22 A. Okay. 23 Q. No, I'm asking you, do you understand that? 24 A. Okay. That is -- I haven't -- it's been quite 25 some time since I've studied that but I understand.</p>	<p style="text-align: right;">179</p> <p>1 Q. Turning your attention to Exhibit 1 and I 2 believe you gave some extensive testimony on this. 3 A. Okay. 4 Q. And I'll give you a chance to get that in front 5 of you. 6 A. Okay. 7 Q. Who is Jay Dyer? 8 A. Mr. Dyer works for the attorney -- Office of 9 the Attorney General, General Greg Abbott's office. 10 Q. And just so I'm clear, you reviewed this 11 document during your consideration of photo ID 12 legislation, correct? 13 A. Correct. 14 Q. And you received this document according to the 15 dates on this particular document, and I'm referring to 16 Beuck Exhibit 1, January 21, 2011? First page. 17 A. The date on the e-mail is February 23rd. 18 Q. I stand corrected, I do see that. And I just 19 want to understand your testimony on this particular 20 document. Other than this document from Jay Dyer who is 21 with the Texas AG's Office, did you receive any other 22 analysis or research from any State agency regarding 23 voter fraud? 24 A. The other information I would refer to would be 25 the Secretary of State's information in the e-mail</p>
<p style="text-align: right;">178</p> <p>1 Q. You also testified that one of your -- one of 2 your tasks in looking at SB 14 was to look at Crawford, 3 correct? 4 A. Correct. 5 Q. And you also said that you looked at some local 6 cases; am I misstating that? 7 A. Legal cases? 8 Q. Yes. 9 A. Crawford was my primary focus. It seemed to be 10 the most relevant to what we were trying to accomplish. 11 Q. But you looked at legal cases, local? Let me 12 restate that. 13 You looked at cases that were relevant to 14 Texas? 15 A. I recall reviewing a case that had to do with a 16 -- it was a voting rights case involving a local -- I 17 believe it was a municipal utility district here in the 18 Austin area. 19 Q. And why did you look at that particular case? 20 A. There was -- I don't recall the specifics of 21 that case. It had something to do with the -- with 22 preclearance issues. 23 Q. And was that a voting discrimination case by 24 any chance? 25 A. I don't recall.</p>	<p style="text-align: right;">180</p> <p>1 exhibit from earlier as far as State agency information 2 goes. 3 Q. And what -- generally, what was the information 4 at the Secretary of State's Office provided you? And if 5 you need to look at that exhibit, feel free. 6 What exhibit are you referring to? 7 A. This would be Exhibit Number 6. 8 Q. And what were you referring to in Exhibit 6? 9 A. Their -- Ms. McGeehan gives information on the 10 complaints received by the Secretary of State's Office 11 and that would be the other information that I received 12 from State agency on voting irregularity complaints. 13 Q. So was it the -- referring to Exhibit 6, was it 14 the Secretary of State's Office or the Texas Attorney 15 General's Office that was indicating that they -- "We 16 cannot meaningfully draw any conclusions from our 17 referrals because election fraud may be reported 18 directly to local prosecutorial authorities or the AG." 19 Who was it that was making that statement? 20 A. That would have -- that appears to be 21 information -- that's the conclusion from Ms. McGeehan 22 with the Secretary of State's Office. 23 Q. So then just summarizing, is it fair to say 24 that the information you received from the Secretary of 25 State's Office was unable to draw any conclusion on</p>

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<p style="text-align: right;">181</p> <p>1 in-person voter fraud?</p> <p>2 MS. HALPERN: Objection, misstatements the</p> <p>3 document. Mischaracterizes the document.</p> <p>4 Q. (By Mr. Geer) Well, let me just say it again.</p> <p>5 "We cannot meaningfully drawn any</p> <p>6 conclusions." What did you take from that?</p> <p>7 A. That the Secretary of State is more of a</p> <p>8 clearinghouse, they're not the ones that -- they do not</p> <p>9 receive local referrals from -- I'm sorry. They do not</p> <p>10 receive reports that are reported directly to the</p> <p>11 District Attorneys in -- where this activity might</p> <p>12 occur, and they -- they do not investigate the</p> <p>13 complaints individually, they refer them along to the</p> <p>14 OAG. My take from this was that the Secretary of</p> <p>15 State's Office was not the place to find this</p> <p>16 information.</p> <p>17 Q. And were you able to draw any conclusions from</p> <p>18 the Secretary of State's information that was provided</p> <p>19 to you in Exhibit 6 or otherwise?</p> <p>20 A. I'm sorry, can you restate that?</p> <p>21 Q. Were you able to draw any conclusions from the</p> <p>22 information you received from the Secretary of State's</p> <p>23 Office?</p> <p>24 A. Their information was helpful in that voter</p> <p>25 irregularity cases have two different paths where they</p>	<p style="text-align: right;">183</p> <p>1 definition of what -- 64.012. My recollection is, that</p> <p>2 is in-person voting fraud.</p> <p>3 Q. And I believe you indicated that you were</p> <p>4 present during the March 20 -- strike that.</p> <p>5 I believe you indicated you were present</p> <p>6 when Representative Harless presented SB 14?</p> <p>7 A. Yes.</p> <p>8 Q. And do you recall Representative Harless</p> <p>9 indicating that SB 14 dealt with one specific form of</p> <p>10 fraud?</p> <p>11 A. I -- I don't recall that statement.</p> <p>12 Q. If I was to show you the legislative history on</p> <p>13 that, would that help refresh your recollection?</p> <p>14 A. Yes.</p> <p>15 MR. GEER: I'm not sure what exhibit we're</p> <p>16 up to right now.</p> <p>17 COURT REPORTER: 12.</p> <p>18 (Exhibit 12 marked for identification.)</p> <p>19 A. Thank you.</p> <p>20 Q. (By Mr. Geer) First of all, for the record, can</p> <p>21 you tell me what this is?</p> <p>22 A. This is the House Journal from Monday, March</p> <p>23 21st of 2011.</p> <p>24 Q. Would this be considered the legislative</p> <p>25 history of -- for the House?</p>
<p style="text-align: right;">182</p> <p>1 can go: They can go to the Office of the Attorney</p> <p>2 General or they can be investigated at the local level,</p> <p>3 so that -- that was what I concluded from their</p> <p>4 information.</p> <p>5 Q. Did you attempt to determine whether there were</p> <p>6 any in-person voter fraud cases prosecuted at the local</p> <p>7 level?</p> <p>8 A. That was my research into the -- trying to</p> <p>9 determine cases that were prosecuted at the local level</p> <p>10 through media reports.</p> <p>11 Q. And other than media reports, did you take any</p> <p>12 other -- make any other attempts to determine if there</p> <p>13 was in-person voter fraud being prosecuted at the local</p> <p>14 level?</p> <p>15 A. Not that I recall.</p> <p>16 Q. So turning your attention back to Exhibit 1,</p> <p>17 what is your understanding of the term "illegal voting"?</p> <p>18 And what exhibit are you referring to?</p> <p>19 A. I'm sorry, I should -- I'm trying to reference</p> <p>20 what Election Code 64.012 is referring to.</p> <p>21 Q. And you're referring to --</p> <p>22 A. This is Senate Bill 14.</p> <p>23 Q. Okay.</p> <p>24 A. And we -- Senate Bill 14 increased the</p> <p>25 penalties for illegal voting and I was trying to get a</p>	<p style="text-align: right;">184</p> <p>1 A. Yes. This is the official legislative history</p> <p>2 for House action.</p> <p>3 Q. And as part of your duties or when you were</p> <p>4 chief of staff for Representative Harless, did you</p> <p>5 review the legislative history?</p> <p>6 A. Can you be more specific?</p> <p>7 Q. Have you reviewed the legislative history as it</p> <p>8 relates to photo identification law?</p> <p>9 A. At that time, yes, I did.</p> <p>10 Q. Okay. So turning your attention to Page 910.</p> <p>11 A. Yes.</p> <p>12 Q. And the reason I gave you this is to help</p> <p>13 refresh your recollection, so I'll give you a chance to</p> <p>14 look at it.</p> <p>15 A. Okay.</p> <p>16 Q. So the question I had previously before I</p> <p>17 handed you this document to refresh your recollection</p> <p>18 was, do you recall during the time period where</p> <p>19 Representative Harless presented SB 14, that there was</p> <p>20 discussion regarding whether or not SB 14 dealt with one</p> <p>21 specific type of voter fraud, and do you recall what her</p> <p>22 response to that was?</p> <p>23 A. According to the House Journal that you</p> <p>24 provided, yes, she states that they're -- this bill</p> <p>25 deals with one specific type of voter fraud, voter</p>

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<p style="text-align: right;">185</p> <p>1 impersonation.</p> <p>2 Q. Thank you. And so going back to your -- to the</p> <p>3 question about illegal voting and I asked you what is</p> <p>4 your understanding of the term illegal voting, do you</p> <p>5 know what types of fraud are encompassed in that?</p> <p>6 A. In the context of the information that Mr. Dyer</p> <p>7 provided to me or just generally when somebody says</p> <p>8 illegal voting?</p> <p>9 Q. Well, I'm trying to understand -- I'm trying to</p> <p>10 get a sense of what your understanding is. And your</p> <p>11 testimony previously was you conducted some research</p> <p>12 into voter fraud, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And I'm trying to understand if that's</p> <p>15 something you considered, so. Let me just ask it</p> <p>16 directly: Did you consider what was encompassed by the</p> <p>17 term illegal voting when you reviewed SB 14 and other</p> <p>18 pieces of photo identification legislation?</p> <p>19 A. Yes. I was aware of that there are in-person</p> <p>20 voting, irregularities. There are irregularities with</p> <p>21 mail-in ballot.</p> <p>22 Q. And it's interesting that you mention mail-in</p> <p>23 ballot. Does SB 14 deal with any form of by-mail ballot</p> <p>24 fraud?</p> <p>25 A. No, it does not.</p>	<p style="text-align: right;">187</p> <p>1 of voter fraud?</p> <p>2 A. I -- I don't recall the specifics, the specific</p> <p>3 cases. They -- there were media reports from reporting</p> <p>4 on prosecutions. I don't recall the specifics of those</p> <p>5 cases.</p> <p>6 Q. So you're referring to media reports --</p> <p>7 A. Correct.</p> <p>8 Q. -- when you talk about local prosecution?</p> <p>9 A. Correct.</p> <p>10 Q. And you described the Secretary of State's</p> <p>11 Office as being a clearinghouse. What does</p> <p>12 clearinghouse mean?</p> <p>13 A. They receive the complaints, voter irregularity</p> <p>14 complaints. They do not have an enforcement -- it is my</p> <p>15 understanding they do not have an enforcement function</p> <p>16 within that agency so they have to refer that to the</p> <p>17 Attorney General's Office who does have an enforcement</p> <p>18 function who can look into those allegations.</p> <p>19 Q. Which takes us back to Exhibit 1, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And so were you able to draw any conclusion as</p> <p>22 to the existence of in-person voter fraud in the state</p> <p>23 of Texas by looking at Exhibit 1?</p> <p>24 A. I viewed Exhibit 1 as part of the picture of</p> <p>25 the whole, including the other cases that are referred</p>
<p style="text-align: right;">186</p> <p>1 Q. And in fact, SB 14 only deals with in-person</p> <p>2 voter impersonation and would that be at the polls?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. And so I also want to understand why --</p> <p>5 why did you spend the time to review this information?</p> <p>6 What was the purpose of reviewing this information? And</p> <p>7 I'm referring to Exhibit 1.</p> <p>8 A. In a general sense, my job as -- working for</p> <p>9 Representative Harless was to prepare her for the debate</p> <p>10 in committee and debate on the floor, to provide the</p> <p>11 information to her so that she would be able to have all</p> <p>12 of the information available.</p> <p>13 Q. And did you provide information to her</p> <p>14 regarding voter impersonation fraud?</p> <p>15 A. These -- this information, yes, I did provide</p> <p>16 to her.</p> <p>17 Q. And what information did you provide to</p> <p>18 Representative Harless regarding in-person voter fraud?</p> <p>19 A. The information provided by Mr. Dyer as well as</p> <p>20 the information that I found from local prosecutions of</p> <p>21 voter fraud.</p> <p>22 Q. And you've said that several times about local</p> <p>23 prosecution of voter fraud.</p> <p>24 A. Uh-huh.</p> <p>25 Q. What did you find regarding local prosecution</p>	<p style="text-align: right;">188</p> <p>1 locally, the cases that are not reported, the cases that</p> <p>2 go unnoticed. It was part of the picture.</p> <p>3 Q. Well, let's go back to the local prosecution.</p> <p>4 A. Okay.</p> <p>5 Q. You looked at media reports. As you sit here</p> <p>6 today, are you aware of any of those local prosecutions</p> <p>7 that resulted in the conviction of in-person voter</p> <p>8 fraud?</p> <p>9 A. I don't recall the specifics of those cases.</p> <p>10 Q. And so other than Exhibit 1, did you receive</p> <p>11 any other information from the Attorney General's</p> <p>12 Office?</p> <p>13 A. I don't recall. I don't recall if there was an</p> <p>14 update to this information.</p> <p>15 Q. Do you recall if you requested any additional</p> <p>16 information?</p> <p>17 A. I don't recall.</p> <p>18 Q. In any event, you don't recall reviewing any</p> <p>19 additional information?</p> <p>20 A. That's correct.</p> <p>21 Q. So I also was interested in understanding the</p> <p>22 process. Once a bill is passed in the Senate --</p> <p>23 representative Harless was the sponsor of SB 14,</p> <p>24 correct?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">189</p> <p>1 Q. Which -- and you were her chief of staff?</p> <p>2 A. Yes.</p> <p>3 Q. And can you describe for me what the process --</p> <p>4 I guess, generally, what the process of receiving a bill</p> <p>5 from the Senate would include?</p> <p>6 A. In regard to how --</p> <p>7 Q. A bill that has passed in the Senate, received</p> <p>8 in the House.</p> <p>9 MS. HALPERN: He's asking about any bill,</p> <p>10 not SB 14 specifically. Just the process.</p> <p>11 A. Generally how the process of a -- how a Senate</p> <p>12 Bill gets referred to committee, that general process</p> <p>13 or? Can you be?</p> <p>14 Q. (By Mr. Geer) Sure. That's a fair</p> <p>15 question. Let's -- let's start first with SB 14.</p> <p>16 A. Okay.</p> <p>17 Q. As you've already established, Representative</p> <p>18 Harless was the sponsor. Were you involved in any</p> <p>19 communications with Representative Harless regarding why</p> <p>20 she was identified as a sponsor of SB 14?</p> <p>21 MS. HALPERN: Objection to assert the</p> <p>22 legislative privilege. Since we're under seal, the</p> <p>23 witness will be allowed to answer the question with the</p> <p>24 understanding that the court has determined that that</p> <p>25 does not constitute a waiver of the privilege.</p>	<p style="text-align: right;">191</p> <p>1 Q. Were you involved in any communications where</p> <p>2 it was discussed that she would be the House sponsor?</p> <p>3 A. No.</p> <p>4 Q. And when did you first come to understand that</p> <p>5 she would be the House sponsor of the bill?</p> <p>6 A. I found out through a press release, I believe,</p> <p>7 from Chairman Bonham.</p> <p>8 Q. And once you understood she was the sponsor of</p> <p>9 SB 14 and moving forward, even -- actually, when did you</p> <p>10 understand -- when did you get this press release? Had</p> <p>11 the bill already been passed in the Senate?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 A. Yes.</p> <p>15 Q. So once you understood that she was the House</p> <p>16 sponsor, is there a process in place where the bill from</p> <p>17 the Senate that's passed in the Senate would actually be</p> <p>18 received by the House?</p> <p>19 A. The bill comes over to the -- the bill is</p> <p>20 reported to the House, the House then refers that bill</p> <p>21 to a committee. Once it's been referred to the</p> <p>22 committee, it is then assigned a House sponsor. That</p> <p>23 typically is how the process goes.</p> <p>24 Q. So was she -- did she know she would be the</p> <p>25 House sponsor prior to the bill being referred to the</p>
<p style="text-align: right;">190</p> <p>1 Q. (By Mr. Geer) And I just want to -- one step</p> <p>2 for the record: Are you asserting your legislative</p> <p>3 privilege on this and are you following the advice of</p> <p>4 your counsel?</p> <p>5 MS. HALPERN: He's responding in any</p> <p>6 event, so.</p> <p>7 MR. GEER: I know.</p> <p>8 A. Okay.</p> <p>9 Q. (By Mr. Geer) But the question is, are you</p> <p>10 asserting your legislative privilege and are you</p> <p>11 agreeing to testify under seal?</p> <p>12 A. Yes, yes, yes.</p> <p>13 Q. And I don't remember the last question I asked</p> <p>14 you.</p> <p>15 MR. GEER: Is it possible to read back the</p> <p>16 last question?</p> <p>17 MR. D'ANDREA: It was why Harless.</p> <p>18 Q. (By Mr. Geer) Oh. Why -- were you involved in</p> <p>19 any communications with Representative Harless as to why</p> <p>20 she was selected to be the sponsor of SB 14?</p> <p>21 A. I recall conversations with Representative</p> <p>22 Harless regarding that -- the issue of her interest in</p> <p>23 receiving the bill and being the House sponsor of that</p> <p>24 legislation. I was not -- I was not involved with the</p> <p>25 process of her being selected the House sponsor.</p>	<p style="text-align: right;">192</p> <p>1 committee?</p> <p>2 A. We -- we did not know. I did not know. I</p> <p>3 can't speak for her. But I did not know that we were</p> <p>4 going to be the sponsor of SB 14 until I received the --</p> <p>5 the press release from Chairman Bonham.</p> <p>6 Q. And so as her chief of staff, it was your job</p> <p>7 to help prepare SB 14 for her presentation and its</p> <p>8 passage, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And as her chief of staff, do you receive the</p> <p>11 compiled information from the Senate related to SB 14?</p> <p>12 A. Could you be more specific with "information"?</p> <p>13 Q. SB -- SB 14 was publicly debated --</p> <p>14 A. Yes.</p> <p>15 Q. -- and passed in the Senate, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you receive any analysis related to SB 14</p> <p>18 from the Senate?</p> <p>19 A. The information that is transmitted with the</p> <p>20 bill would be the bill analysis, the fiscal note</p> <p>21 information that comes along with the bill and that type</p> <p>22 of information.</p> <p>23 Q. Specifically, did you receive any analysis from</p> <p>24 the Senate that related to SB 14 that considered the</p> <p>25 impact of SB 14 on minority voters?</p>

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<p style="text-align: right;">193</p> <p>1 A. Not that I recall.</p> <p>2 Q. Did you make any requests to anyone in the</p> <p>3 Senate to the determine if that analysis had been</p> <p>4 conducted?</p> <p>5 A. We followed -- in preparation for the committee</p> <p>6 hearing, we watched the Senate debate, followed the --</p> <p>7 what was going on in the Senate closely. I believe that</p> <p>8 was an issue that was -- that was brought up during the</p> <p>9 Senate debate. I don't remember the specifics of that,</p> <p>10 those arguments, but we certainly did pay attention to</p> <p>11 what was going on in the Senate in preparation for our</p> <p>12 hearing in the House.</p> <p>13 Q. That was a little different than my actual</p> <p>14 question.</p> <p>15 A. Okay.</p> <p>16 Q. And let me narrow it down. Did you receive any</p> <p>17 written analysis from the Senate related to SB 14 that</p> <p>18 considered the impact on minority voters?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Did you receive any written analysis from the</p> <p>21 Senate related to SB 14 that looked at the issue of</p> <p>22 in-person voter impersonation at the polls?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Did you receive any analysis from the Senate</p> <p>25 that looked at the impact of SB 14 on low income voters?</p>	<p style="text-align: right;">195</p> <p>1 who -- who had a personal experience with some of these,</p> <p>2 some of this in-person voter impersonation.</p> <p>3 Q. So, testimony and -- where did that testimony</p> <p>4 occur? Did you say the Senate? I'm sorry.</p> <p>5 A. There was a Senator who had a personal</p> <p>6 experience with some of that.</p> <p>7 Q. Do you recall what Senator that was?</p> <p>8 A. Senator Williams.</p> <p>9 Q. And do you recall what Senator Williams</p> <p>10 testified to or spoke about publicly?</p> <p>11 A. I don't recall the specifics. It had to do</p> <p>12 with a family member, a deceased family member who was</p> <p>13 continuing to vote.</p> <p>14 Q. Do you know if that allegation by Senator</p> <p>15 Williams was actually prosecuted in any form?</p> <p>16 A. I don't know the specifics on that.</p> <p>17 Q. Do you know if there was an official</p> <p>18 investigation into the allegations of Senator Williams?</p> <p>19 A. No, sir.</p> <p>20 Q. Did you ever attempt to determine whether or</p> <p>21 not there was either an investigation or prosecution of</p> <p>22 Senator Williams' allegations?</p> <p>23 A. No. I don't know the disposition of that</p> <p>24 case. It was one of the examples that I remember from</p> <p>25 the testimony. There were -- there was testimony about</p>
<p style="text-align: right;">194</p> <p>1 A. No, not that I recall.</p> <p>2 Q. How about elderly voters, same question: Did</p> <p>3 you receive any analysis from the Senate that considered</p> <p>4 the impact of SB 14 on elderly voters?</p> <p>5 A. Not that I recall.</p> <p>6 Q. And when you say, "Not that I recall," do you</p> <p>7 recall producing any of that information in response to</p> <p>8 the Texas v. Holder case, which you testified in --</p> <p>9 A. Yes.</p> <p>10 Q. -- gave a deposition in or the current</p> <p>11 litigation United States v. Texas?</p> <p>12 A. That information -- I don't recall that</p> <p>13 information being transmitted from the Senate.</p> <p>14 Q. So I just want to I guess close the loop on --</p> <p>15 on what your understanding of in-person voter</p> <p>16 impersonation is. What, beyond what we've discussed,</p> <p>17 the Texas Attorney General's report, Exhibit 6, which</p> <p>18 references the -- some information from the Secretary of</p> <p>19 State's Office and the local -- your review of local</p> <p>20 media reports, is there anything else that you did to</p> <p>21 determine the existence of in-person voter fraud in the</p> <p>22 state of Texas?</p> <p>23 A. There were -- there was testimony in committee</p> <p>24 regarding some of those issues. That would be another</p> <p>25 source of information. And I know there was one Senator</p>	<p style="text-align: right;">196</p> <p>1 the House and Senate regarding people's personal</p> <p>2 experience with witnessing voter impersonation.</p> <p>3 Q. And you sat in on the public hearings in the</p> <p>4 House as well?</p> <p>5 A. I was there for the hearing, the majority of</p> <p>6 the hearing. I was not there for the full hearing, but</p> <p>7 yes, I was there for the majority of the hearing.</p> <p>8 Q. Do you recall what information Representative</p> <p>9 Harless shared specifically regarding in-person voter</p> <p>10 fraud?</p> <p>11 MS. HALPERN: Objection, vague.</p> <p>12 Q. (By Mr. Geer) Let me see if I can clarify that</p> <p>13 for you. Do you recall during the March 21, 2011,</p> <p>14 hearing -- and I'm referring to -- what did we mark this</p> <p>15 as?</p> <p>16 A. 12.</p> <p>17 Q. Exhibit 12. Do you recall if she was asked</p> <p>18 about in-person voter fraud or voter impersonation at</p> <p>19 the polls?</p> <p>20 A. I don't recall that specific conversation. If</p> <p>21 it's contained in the exhibit, I'll read through it,</p> <p>22 and...</p> <p>23 Q. Well, without reading through it, do you recall</p> <p>24 whether she presented any documented cases of in-person</p> <p>25 voter impersonation during these public hearings?</p>

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<p style="text-align: right;">197</p> <p>1 A. I don't. I don't recall the specifics of that.</p> <p>2 Q. So turning your attention to Exhibit 2, you</p> <p>3 were asked -- and I'll give a chance to find it. And</p> <p>4 just for the record, Exhibit 2, who is this from?</p> <p>5 A. This is an e-mail from Representative Harless.</p> <p>6 Q. And that e-mail -- or this e-mail is to you?</p> <p>7 A. Correct.</p> <p>8 Q. And it's dated what?</p> <p>9 A. November 21, 2011.</p> <p>10 Q. And the subject of this e-mail is an Op-Ed in</p> <p>11 Defense of Photo ID in Today's Chronicle. Do you see</p> <p>12 that subject line?</p> <p>13 A. Yes.</p> <p>14 Q. The section that's highlighted near the top of</p> <p>15 the document, is that information that you wrote? And</p> <p>16 if you need me to be more specific, I will be.</p> <p>17 A. From the e-mail, it appears that that first</p> <p>18 paragraph is information I had placed in the rough draft</p> <p>19 for the response to the constituent.</p> <p>20 Q. In the highlighted section it says, in fact, I</p> <p>21 believe was -- strike that.</p> <p>22 In Exhibit 2, it indicates that the</p> <p>23 purpose of the Senate Bill 14 was not to disenfranchise</p> <p>24 anyone. Did you -- and my question on that is: What,</p> <p>25 if any, analysis did you conduct to determine whether or</p>	<p style="text-align: right;">199</p> <p>1 that's 982.</p> <p>2 MS. HALPERN: 9?</p> <p>3 MR. GEER: 982.</p> <p>4 MS. HALPERN: 982, okay.</p> <p>5 Q. (By Mr. Geer) And I'll give you a chance to</p> <p>6 look at that amendment.</p> <p>7 MS. HALPERN: 27? Amendment 27?</p> <p>8 MR. GEER: Amendment 27, correct.</p> <p>9 A. Yes.</p> <p>10 Q. (By Mr. Geer) Amendment 27 appears to add that</p> <p>11 the statewide effort shall include education targeted at</p> <p>12 low income voters and minority voters; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And how did Representative Harless vote on this</p> <p>15 amendment?</p> <p>16 A. I don't recall how she voted on the amendment.</p> <p>17 It appears that the amendment was adopted via voice</p> <p>18 vote, which the -- a roll call vote was not taken. So</p> <p>19 without that information, I don't know how she voted.</p> <p>20 Q. Did you discuss this amendment with</p> <p>21 Representative Harless?</p> <p>22 A. I believe we did. I don't recall the specifics</p> <p>23 of that discussion.</p> <p>24 Q. Do you agree that adopting an amendment that</p> <p>25 targets a statewide effort to include education</p>
<p style="text-align: right;">198</p> <p>1 not SB 14 would disenfranchise Texas voters?</p> <p>2 A. The protections that we had placed in Senate</p> <p>3 Bill 14, we felt would address the issues, the concerns</p> <p>4 raised about individuals being disenfranchised.</p> <p>5 Q. And you testified to the protections that were</p> <p>6 placed in Senate Bill 14, and I'm sorry, I don't recall</p> <p>7 the protections that you're referring to.</p> <p>8 A. Okay. The increased voter education efforts by</p> <p>9 the Secretary of State and local -- local election</p> <p>10 officials, the free ID provisions for those without</p> <p>11 another acceptable form of identification, provisional</p> <p>12 ballot provisions, the provision that was placed in --</p> <p>13 in regarding the substantially similar name on the</p> <p>14 identification, the other exemptions that were placed in</p> <p>15 the bill, disability exemptions, and -- that's not the</p> <p>16 total inclusive, but that's...</p> <p>17 Q. I'm sorry, I'm trying to be real organized and</p> <p>18 work my way through these.</p> <p>19 Referring to I believe it's Exhibit 8,</p> <p>20 which is the House Amendment --</p> <p>21 A. Yes.</p> <p>22 Q. -- I refer your attention to exhibit --</p> <p>23 Amendment 27.</p> <p>24 MS. HALPERN: What page, Counsel?</p> <p>25 MR. GEER: Give me one second. I believe</p>	<p style="text-align: right;">200</p> <p>1 targeting low income and minority voters would have</p> <p>2 increased the protection against disenfranchising</p> <p>3 minority voters and low income voters?</p> <p>4 A. I would say that the efforts contained in the</p> <p>5 bill without this amendment -- the education efforts,</p> <p>6 the voter outreach efforts in the bill covered what this</p> <p>7 amendment was trying to accomplish.</p> <p>8 Q. Does SB 14 specifically target low income and</p> <p>9 minority voters?</p> <p>10 A. The education efforts I believe were statewide.</p> <p>11 There was -- they were not targeted to any individuals.</p> <p>12 I think that was left up to the Secretary of State to</p> <p>13 determine the best way to get out the information. And</p> <p>14 I don't know the -- the Secretary of State had the</p> <p>15 ability to draft rules to accomplish that.</p> <p>16 Q. And so my question was: Do you have -- do you</p> <p>17 believe that an amendment, if adopted, that specifically</p> <p>18 targeted statewide minority voters and low income</p> <p>19 voters, do you believe that that would have an effect of</p> <p>20 mitigating some of the concerns of the opponents of SB</p> <p>21 14?</p> <p>22 MR. SCOTT: Objection, form, calls for</p> <p>23 speculation.</p> <p>24 MS. HALPERN: Yeah. Thank you.</p> <p>25 A. I believe the goal of this amendment was</p>

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<p style="text-align: right;">201</p> <p>1 accomplished in the protections that we had placed in 2 Senate Bill 14. The Secretary of State had the ability 3 to focus their education efforts on the populations that 4 they felt would benefit from that information. 5 Q. (By Mr. Geer) Did -- did they not believe that 6 the low income voters and minority voters would benefit 7 from this information? 8 MS. HALPERN: Objection, misstates the 9 testimony. 10 MR. SCOTT: Objection. 11 Q. (By Mr. Geer) Sir, I'm asking you: Did they 12 not believe that? Was there an opinion that they would 13 not benefit from an amendment like this? 14 MS. HALPERN: Objection, vague. 15 MR. SCOTT: Objection. 16 MS. HALPERN: Whose opinion? 17 Q. (By Mr. Geer) Well, we were talking about the 18 Secretary of the State. And I want to be clear for the 19 record, we're talking about the Secretary of the State, 20 which you just testified to. 21 A. Yeah. 22 Q. And we're talking specifically about Amendment 23 27 and whether or not -- strike that. 24 Did you have any discussions with the 25 Secretary of State's Office regarding Amendment 27?</p>	<p style="text-align: right;">203</p> <p>1 (Recess 4:48 p.m. to 4:57 p.m.) 2 MR. GEER: Back on the record. 3 A. Yes. 4 Q. (By Mr. Geer) I'll just pose a new question. I 5 think there was a question pending which I don't 6 remember anymore. 7 In Exhibit 2, it indicates "we do not have 8 the tools necessary to stop in-person voter fraud." 9 What is the basis for that statement? 10 A. Prior -- prior to Senate Bill 14 passing, the 11 required -- the required documents would not show that 12 that person was who they say they were. There was not a 13 photo ID to verify that a person showing up with their 14 voter registration card was indeed that person. Senate 15 Bill 14 provided that tool to election workers. 16 Q. So when you're talking about necessary tools, 17 you're talking about documentation, you're talking about 18 ID at the polls; is that correct? 19 A. A photo -- a photo ID so that the election 20 workers could verify that person was who they said they 21 were. 22 Q. And so you're talking about photo ID at the 23 polls, correct? 24 A. Yes. 25 Q. Did you consider the existing laws, the laws</p>
<p style="text-align: right;">202</p> <p>1 A. Not that I recall. 2 Q. Did you have any discussions with any other 3 State agency regarding Amendment 27? 4 A. I don't recall. 5 Q. Did you make any determination in the form of 6 an analysis or research to determine whether or not 7 Amendment 27 would have had a impact on -- a positive 8 impact on minority voters and low income voters? 9 A. Not -- not that I recall. 10 Q. And just so I'm clear, do you recall conducting 11 any written analysis related to Amendment 27? 12 A. No, I do not. 13 Q. Turning your attention back to Exhibit 2, at 14 the bottom it says, "We do not have the tools necessary 15 to stop in-person voter fraud." What do you mean by 16 that? And I'm making the assumption, you can correct me 17 if I'm wrong, but you wrote that language? 18 A. Out of context, it's hard to tell who wrote 19 what in this e-mail, but I think the argument there is 20 that in-person voter fraud is difficult to prove and 21 that a photo requirement would -- would create a tool 22 for enforcing the laws on in-person voter fraud. 23 MS. HALPERN: Counsel, can we take a 24 break? 25 MR. GEER: We certainly can.</p>	<p style="text-align: right;">204</p> <p>1 that were in place prior to SB 14, during your review of 2 SB 14? 3 MS. HALPERN: Objection, asked and 4 answered. That's what he just told you. 5 MR. GEER: I don't know if I asked him 6 that specific question. 7 Q. (By Mr. Geer) My question was, did you consider 8 the existing laws that were in place prior to SB 14 and 9 you talked about photo ID. So let me just expand that 10 question. Did you consider anything else other than the 11 photo ID itself? 12 MS. HALPERN: Objection, vague. 13 MR. GEER: I was trying to respond to your 14 objection. 15 Q. (By Mr. Geer) Do you understand the question? 16 A. No. If -- which laws -- which laws are you 17 referring to? 18 Q. Well, we're talking about SB 14. 19 A. Okay. 20 Q. And we're talking about election laws that were 21 in place prior to SB 14. Did you consider the election 22 laws that were in place prior to SB 14, whether or not 23 they gave the necessary tools to election workers? 24 A. It was our opinion that they did not. The 25 rules in place at the time did not require somebody to</p>

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<p style="text-align: right;">205</p> <p>1 show that they -- a photo identification and that -- 2 that tool we felt was beneficial to election workers 3 because people could show up with a voter certificate 4 and there was no way to verify that person was the 5 person on the voter certificate. 6 Q. Would you agree that prior to the 7 implementation of SB 14, that election laws allowed 8 election judges -- strike that. 9 Would you agree that election judges have 10 the power of district judges to preserve peace and order 11 at the polling place prior to the implementation of SB 12 14? 13 A. I -- I don't have that law in front of me, but 14 I'll take -- unless you have a document. 15 Q. You don't have to take my word. I'm going to 16 put in it front of you. 17 A. Okay. Thank you. 18 MR. GEER: And this is Exhibit 13. 19 (Exhibit 13 marked for identification.) 20 Q. (By Mr. Geer) So I'm putting in front of you 21 what's been now labeled as Exhibit 13. I'll give you a 22 chance to look at that. 23 A. Okay. 24 Q. So my question was, would you agree that prior 25 to SB 14, election judges had the power of a district</p>	<p style="text-align: right;">207</p> <p>1 they were showing was not for that person. 2 Q. So the answer to my question about did you 3 conduct actual analysis or research to support your 4 belief, is that a yes or no? 5 A. There was testimony I believe also in 6 committee on that issue in the House committee, but. 7 Q. Testimony by whom? 8 A. I don't recall. 9 Q. Do you recall the specifics of that testimony? 10 A. No, I don't recall. 11 Q. Were you aware that prior to SB 14, candidates 12 had the ability to place poll watchers at polling 13 places? 14 A. Yes. Yes, I'm aware of the poll watchers. 15 Q. That each candidate had the ability to place 16 poll watchers at a polling place? 17 A. I'm not familiar with the specifics of the poll 18 watcher provisions, but -- 19 Q. Fair enough. 20 A. -- okay. 21 Q. Are you aware of a Houston-based group that 22 has -- prior to SB 14, that made significant efforts to 23 recruit and place poll watchers in polling places in the 24 state of Texas? 25 A. Can you be more specific on the --</p>
<p style="text-align: right;">206</p> <p>1 judge to preserve peace and order at the polling place? 2 A. Yes. 3 Q. Would you also agree, based on Exhibit 13, that 4 that power included the power to arrest? 5 A. Yes. 6 Q. That that power also included the power to 7 appoint one or more persons to act as special peace 8 officers at the polling place? And you can refer to 9 Section 32.075. 10 A. Yes. 11 Q. And did you consider that power that election 12 judges already had during your review of SB 14? 13 A. Because there was not a photo ID requirement to 14 accompany these powers, the -- it was our feeling, my 15 belief, that this relies on the election worker having 16 some personal knowledge that that person was not who 17 they said they were. They would have to know the person 18 coming in to vote in order to be able to enforce illegal 19 voting laws. 20 Q. It's your belief, as you testified. Did you 21 conduct any analysis to support your belief? 22 A. That would seem to be intuitive that the person 23 would have to have some -- would have -- the election 24 worker would have to know the person coming in to vote 25 in order to -- to know that the voter certificate that</p>	<p style="text-align: right;">208</p> <p>1 Q. Certainly. Are you aware -- are you familiar 2 with organizations such as the True the Vote, King 3 Street Patriots? 4 A. Yes. 5 Q. Have you communicated with these organizations 6 regarding voter identification legislation? 7 A. Yes. 8 Q. When did you communicate with these particular 9 groups? 10 A. Prior to the committee hearing on SB 14 in the 11 House. 12 Q. And who was present during that communication 13 -- how many times did you communicate with them? 14 A. Once, maybe twice. 15 Q. And I indicated two different groups, King 16 Street Patriots, True the Vote. Do you understand them 17 as being the same organization or did you have separate 18 communications with these groups? 19 A. My -- at that time, they -- I believe they were 20 -- I understand that they have -- they are no longer 21 King Street Patriots, they are True the Vote. That's my 22 understanding. At that time I believe they were King 23 Street Patriots. 24 Q. And was that communication with 25 Ms. Englebrecht? Are you familiar with her?</p>

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<p style="text-align: right;">209</p> <p>1 A. Yes.</p> <p>2 Q. And I -- as I sit here I forget her first name.</p> <p>3 Do you recall her first name, is it Catherine?</p> <p>4 A. I believe that's correct.</p> <p>5 Q. And what was the substance of that</p> <p>6 communication?</p> <p>7 MS. HALPERN: I'm going to object on the</p> <p>8 basis of legislative privilege. Notwithstanding that,</p> <p>9 based on the guidance from the court, the witness is</p> <p>10 going to go ahead and answer under seal.</p> <p>11 A. My communication with her prior to the</p> <p>12 committee hearing was in regards to -- she was</p> <p>13 interested in coming to testify at the committee</p> <p>14 hearing, and I was giving her details on when I felt the</p> <p>15 committee hearing would occur and scheduling-type</p> <p>16 details.</p> <p>17 Q. (By Mr. Geer) Did she testify?</p> <p>18 A. She was not one of the invited testimony -- she</p> <p>19 was not one of the invited witnesses. I do not recall</p> <p>20 if she voted -- if she showed up as a public testimony</p> <p>21 during that hearing.</p> <p>22 Q. Is it Representative Harless who decides who</p> <p>23 the invited witnesses would be?</p> <p>24 A. Ultimately, yes.</p> <p>25 Q. Do you know why she was not an invited witness?</p>	<p style="text-align: right;">211</p> <p>1 Q. Yes.</p> <p>2 A. I don't recall at that time if I was aware of</p> <p>3 their efforts. Subsequent to that, I have learned of</p> <p>4 the -- of those efforts.</p> <p>5 Q. Would it be fair to say that their efforts drew</p> <p>6 some controversy in the media?</p> <p>7 A. Yes.</p> <p>8 Q. And that True the Vote publicly stated that</p> <p>9 they were training these poll watchers to look for</p> <p>10 in-person voter fraud? Do you recall that?</p> <p>11 A. I don't recall that aspect of it.</p> <p>12 Q. Do you recall a public statement that they were</p> <p>13 training poll workers to monitor for voter fraud in the</p> <p>14 polls?</p> <p>15 A. I don't recall that.</p> <p>16 Q. In any event, did Catherine Englebrecht or True</p> <p>17 the Vote present any evidence to Representative Harless</p> <p>18 or yourself regarding in-person voter fraud at the</p> <p>19 polls?</p> <p>20 A. I don't recall any information from that</p> <p>21 organization being presented to myself.</p> <p>22 Q. Do you recall if True the Vote or Catherine</p> <p>23 Englebrecht raised concerns about noncitizens or illegal</p> <p>24 aliens voting at the polls?</p> <p>25 A. I don't -- I don't remember. I don't recall</p>
<p style="text-align: right;">210</p> <p>1 A. No, I don't know.</p> <p>2 Q. Do you know what she was intending on</p> <p>3 testifying about?</p> <p>4 A. I don't recall.</p> <p>5 Q. Did it have to do with the photo ID</p> <p>6 legislation?</p> <p>7 A. That would be my understanding. I don't</p> <p>8 remember if she ended up coming to the hearing and</p> <p>9 testifying but she was interested in testifying on</p> <p>10 Senate Bill 14.</p> <p>11 Q. And that's a Houston-based organization,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And going back to my original question: At any</p> <p>15 time during your consideration of SB 14, were you aware</p> <p>16 of True the Vote's efforts to recruit and train poll</p> <p>17 watchers to place in the poll -- polling places</p> <p>18 specifically to look for the issue of voter fraud?</p> <p>19 A. What was the -- could you repeat your question?</p> <p>20 Q. Probably not the same but I can try.</p> <p>21 A. Well, I can --</p> <p>22 Q. First of all, I asked were you aware of True</p> <p>23 the Vote's efforts to recruit and train poll watchers in</p> <p>24 the state of Texas?</p> <p>25 A. At that time during the --</p>	<p style="text-align: right;">212</p> <p>1 that testimony.</p> <p>2 Q. And as a follow up to that question, did they</p> <p>3 present any documented cases to either you or to</p> <p>4 Representative Harless regarding noncitizens or illegal</p> <p>5 aliens voting at the polls?</p> <p>6 MS. HALPERN: Objection, asked and</p> <p>7 answered. He told you there was one communication and</p> <p>8 he told you what it was about.</p> <p>9 A. I don't recall.</p> <p>10 Q. (By Mr. Geer) During your review of photo ID</p> <p>11 legislation, did you review HB 218, which was a piece of</p> <p>12 photo ID legislation in the House?</p> <p>13 A. I'm not familiar with 218 without having --</p> <p>14 having it in front of me.</p> <p>15 (Exhibit 14 marked for identification.)</p> <p>16 Q. (By Mr. Geer) Sir, I've handed you what's been</p> <p>17 marked as Exhibit Number 14, and I'll give you a chance</p> <p>18 to look at that.</p> <p>19 A. Okay.</p> <p>20 MR. SCOTT: I'm not going to look.</p> <p>21 Q. (By Mr. Geer) And my question is: Have you</p> <p>22 ever reviewed this piece of legislation before?</p> <p>23 A. This appears to be from the 80th Legislative</p> <p>24 Session and it's -- that would put this in 2007?</p> <p>25 Q. Correct.</p>

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<p style="text-align: right;">213</p> <p>1 A. At the time, I was familiar with it. Yes, I 2 have reviewed it. 3 Q. And is it your understanding that HB 218 4 allowed both photo and non-photo ID? 5 A. Yes. 6 Q. And is it your understanding that the non-photo 7 ID that's proposed in HB 218 was sufficient to identify 8 a person at the polls? 9 MS. HALPERN: Objection, foundation. 10 Q. (By Mr. Geer) Well, let me clarify that 11 question then. 12 HB 218 offered non-photo ID, correct? 13 A. Yes. 14 Q. Number 10 on Page 5, it offered a library card 15 that contains the person's name issued to the person by 16 public library located in this state, correct? 17 A. Yes. 18 Q. It offered things like pilot's license -- 19 licenses, correct? 20 A. Correct. 21 Q. Temporary driving permit to the person by the 22 Department of Public Safety, correct? 23 A. Yes. 24 Q. Identification card issued by the person -- to 25 the person by a governmental entity of this state or the</p>	<p style="text-align: right;">215</p> <p>1 Q. And was that bill that you were referring to SB 2 362? 3 A. I believe so, if... 4 (Exhibit 15 marked for identification.) 5 Q. (By Mr. Geer) And I'm putting in front of you 6 what's been labeled Exhibit 15. 7 A. Yes. 8 Q. I'll give you a chance to look at that 9 quickly. Who was this bill authored by? 10 A. That is a Senator Fraser. 11 Q. This is SB 362? 12 A. Correct. 13 Q. And do you recall the time period in which this 14 bill was filed? 15 A. This bill was from the 81st regular session, 16 which would have been in 2009. 17 Q. And this bill allows both photo and non-photo 18 ID; is that correct? 19 A. Correct. 20 Q. And Representative Harless patterned her bill, 21 HB 112 after SB 362? 22 A. Yes. 23 Q. Was that your testimony? 24 A. (Witness nods head yes.) 25 Q. And in fact, Representative Harless filed HB</p>
<p style="text-align: right;">214</p> <p>1 United States for the purpose of obtaining public 2 benefits, correct? 3 A. Correct. 4 Q. And is it -- do you have an understanding as to 5 at the time HB 218 was presented, whether there was an 6 opinion that this type of identification was sufficient 7 to identify a voter at the poll? 8 MS. HALPERN: I'm sorry, could you read 9 the last part of that question back? 10 (Requested portion was read back by the 11 court reporter.) 12 MS. HALPERN: Objection, no foundation. 13 Objection, calls for speculation. Whose opinion? 14 MR. GEER: I actually believe I asked, "Do 15 you have an opinion?" 16 A. If at the time this was sufficient? 17 Q. (By Mr. Geer) Yes. 18 A. I don't have an opinion. I don't -- I was not 19 following this issue in 2007. I know this was the bill 20 that Betty Brown, Representative Betty Brown offered. I 21 can't speak to the sufficiency in 2007 on this issue. 22 Q. I believe you gave some testimony regarding SB 23 -- actually, you didn't. I believe that you testified 24 that HB 112 was patterned after a specific bill? 25 A. Yes.</p>	<p style="text-align: right;">216</p> <p>1 112 in 2011? I'm sorry, that is actually not correct. 2 She prefiled HB 112 in -- 3 A. 2010. 4 Q. -- 2010. That would be correct? 5 A. Yes. 6 Q. And HB 112, which patterned after SB 362, also 7 allowed for both photo and non-photo ID, correct? 8 MS. HALPERN: Objection, asked and 9 answered this morning at length. 10 A. Correct. 11 Q. (By Mr. Geer) And she never withdrew HB 112 12 from consideration, did she? 13 A. The bill was filed and was referred to 14 committee. 15 Q. But if that bill would have been -- if that 16 bill would have moved forward, and would have been -- 17 would have passed, that would have been the law of the 18 state of Texas, correct? 19 MS. HALPERN: Objection, calls for 20 speculation, no foundation. 21 Q. (By Mr. Geer) Let me strike that. 22 She supported HB 112, correct? 23 MS. HALPERN: Objection, asked and 24 answered this morning. 25 MR. GEER: And the answer was yes?</p>

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55 (Pages 217 to 220)

<p style="text-align: right;">217</p> <p>1 MS. HALPERN: No.</p> <p>2 A. HB 112 was, in my opinion -- I don't know how</p> <p>3 Representative Harless felt -- was the -- I can't speak</p> <p>4 for her, but it was a placeholder, a starting point for</p> <p>5 the debate to begin. It --</p> <p>6 Q. (By Mr. Geer) And is that -- I'm sorry, were</p> <p>7 you were finished?</p> <p>8 A. It was -- it was the starting point for the</p> <p>9 debate.</p> <p>10 Q. And if that bill was voted on and passed as is,</p> <p>11 it would have allowed both photo and non-photo ID,</p> <p>12 correct?</p> <p>13 A. Had it remained the same as -- as -- yes,</p> <p>14 correct.</p> <p>15 Q. And she -- HB 112 expanded the forms of ID as</p> <p>16 opposed to SB 14 which restricted the forms of photo ID,</p> <p>17 correct?</p> <p>18 MS. HALPERN: Objection, misstates the</p> <p>19 record, no foundation.</p> <p>20 MR. GEER: Well, I mean we can go through</p> <p>21 --</p> <p>22 MS. HALPERN: Expanded and compared to</p> <p>23 what? The beginning was nothing. It was a piece of</p> <p>24 paper, a certificate. 362 --</p> <p>25 MR. GEER: I believe I said as compared to</p>	<p style="text-align: right;">219</p> <p>1 A. It was my understanding that photo</p> <p>2 identification -- a photo identification requirement was</p> <p>3 a goal, a goal of Representative Harless's because the</p> <p>4 constituents were requesting this. The information we</p> <p>5 were seeing on the support for the issue was showing</p> <p>6 that it had a great deal of support in the public and</p> <p>7 that is what the goal was, was for a photo</p> <p>8 identification requirement.</p> <p>9 Q. (By Mr. Geer) So what changed between the</p> <p>10 filing of SB 362 and the filing of SB 14 in the --</p> <p>11 regarding her constituency and their requests for photo</p> <p>12 ID legislation?</p> <p>13 MS. HALPERN: Objection, assumes facts not</p> <p>14 in evidence, no foundation.</p> <p>15 Q. (By Mr. Geer) Well, I believe you testified</p> <p>16 this morning that you had communications with</p> <p>17 constituents, that Representative Harless had</p> <p>18 communication with constituents; is that a yes?</p> <p>19 A. Yes.</p> <p>20 Q. And that that communication involved photo ID</p> <p>21 legislation, correct?</p> <p>22 A. Correct.</p> <p>23 Q. That involved HB 112, I believe you testified</p> <p>24 to?</p> <p>25 A. Yes. The -- we received communications from</p>
<p style="text-align: right;">218</p> <p>1 SB 14.</p> <p>2 MS. HALPERN: It predated it. No</p> <p>3 foundation, calls for speculation, misstates the record.</p> <p>4 Q. (By Mr. Geer) You can answer.</p> <p>5 MS. HALPERN: You can try.</p> <p>6 A. Can you -- can you restate -- can I get the</p> <p>7 question restated?</p> <p>8 MR. GEER: Read it back, please.</p> <p>9 (Requested portion was read back by the</p> <p>10 court reporter.)</p> <p>11 MS. HALPERN: Objection, vague.</p> <p>12 A. SB 14, I believe is different than HB 112.</p> <p>13 Comparing them, it -- I don't -- I can't -- your answer</p> <p>14 -- your question is difficult to answer. I don't agree</p> <p>15 with the -- it's difficult to compare the two because</p> <p>16 Senate Bill 14 is requiring a photo identification and</p> <p>17 112 was -- was based upon legislation prior that we had</p> <p>18 prefiled as a starting point for the debate.</p> <p>19 Q. (By Mr. Geer) You testified several times about</p> <p>20 starting point. Did you have a communication with</p> <p>21 Representative Harless where she identified this bill as</p> <p>22 a starting point for the debate?</p> <p>23 A. The -- it was my understanding.</p> <p>24 MR. D'ANDREA: Objection, legislative</p> <p>25 privilege. You may answer under seal.</p>	<p style="text-align: right;">220</p> <p>1 our constituents on Voter ID in general. I don't</p> <p>2 remember if it was specific to HB 112 or SB 14 but the</p> <p>3 broad issue of photo identification.</p> <p>4 Q. When she prefiled HB 112 in 2010, was that in</p> <p>5 response to her constituents?</p> <p>6 A. Yes.</p> <p>7 Q. Turning your attention to Exhibit 7. And</p> <p>8 you've testified about this morning. This is the e-mail</p> <p>9 from Jessica Gonzalez to you dealing with the disability</p> <p>10 and social security disability ratings, I</p> <p>11 believe. There's a -- at the bottom of this, it</p> <p>12 indicates, "Call me if you'd like to discuss," and</p> <p>13 that's referencing opposition might come -- let me</p> <p>14 strike that.</p> <p>15 The document indicates that, "I have a</p> <p>16 little bit of sense of where the opposition might come</p> <p>17 from since I talked with many members' office --</p> <p>18 members' office about the exemption this week." What</p> <p>19 opposition was there to -- to this type of exemption?</p> <p>20 MS. HALPERN: Objection, asked and</p> <p>21 answered this afternoon.</p> <p>22 A. The opposition that we were aware of was that</p> <p>23 the language that was placed on in the Senate was needed</p> <p>24 -- needed work in order to find an identifiable standard</p> <p>25 to show that someone was in fact disabled.</p>

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<p style="text-align: right;">221</p> <p>1 Q. (By Mr. Geer) And the turning your attention to 2 Page 2, does this identify the standard that was part of 3 the Senate Bill?</p> <p>4 A. Yes.</p> <p>5 Q. And that must include a certification from a 6 physician that the person has a disability as defined by 7 Section 21.02, Labor Code, with the person's 8 application?</p> <p>9 A. Yes.</p> <p>10 Q. What, if any, analysis did you or 11 Representative Harless conduct to determine whether or 12 not this particular provision, I believe you testified 13 this morning, had loopholes?</p> <p>14 A. This section of the Labor Code, I don't recall 15 what that is referring to, so without that context, I 16 can't -- I don't recall where that section is referring 17 to in the Labor Code. But I remember the concerns were 18 that this was a -- this standard was too broad.</p> <p>19 Q. Why was it too broad?</p> <p>20 A. The concerns that we were hearing was that the 21 physician's note, that that would create loophole in the 22 law. I don't know what this Labor Code section refers 23 to so I can't get into specifics, but that was the 24 general.</p> <p>25 Q. And what was the loophole you're referring to?</p>	<p style="text-align: right;">223</p> <p>1 A. (Looking in Exhibit 4.) "An applicant who 2 wishes to receive..." It's in Section 1 of the bill.</p> <p>3 Q. And the disability exemption that was passed by 4 the Senate called for a certification from a physician 5 that a person has a disability as defined. What, if 6 any, analysis, written analysis, did you conduct to 7 determine that A, this was a loophole and B, it was too 8 broad?</p> <p>9 A. At the time the definition contained in that 10 Labor Code -- and without having that in front of me, 11 it's difficult to answer because I don't know what that 12 definition looked like. The concerns that we were 13 hearing from individuals, and as Ms. Gomez stated, she 14 was hearing those concerns as well, were that that 15 definition was too broad and there needed to be a more 16 -- a more defined standard for that exemption.</p> <p>17 Q. So is it fair to say as you sit here today 18 you're not aware of any written analysis that you 19 conducted regarding this issue?</p> <p>20 A. I'm sorry, I don't understand the question. If 21 -- can you?</p> <p>22 Q. Well, I've asked and I don't believe that 23 you've answered at this point.</p> <p>24 A. Okay.</p> <p>25 Q. What, if any, written analysis did you or</p>
<p style="text-align: right;">222</p> <p>1 Can you help me understand that?</p> <p>2 A. The physician's note that the person has a 3 disability.</p> <p>4 Q. And why is that, as you testified, a loophole?</p> <p>5 A. The concerns we were hearing was a disability, 6 would that include someone who -- what would that -- 7 would that prevent them from going to go get a photo 8 identification. What, at what level is the 9 disability -- is it -- what is the word disability. And 10 that's why I don't know what this Labor Code section is 11 referring to. So without knowing that definition, I 12 can't speak to these individual's concerns.</p> <p>13 Q. Would you agree that SB 14, as passed, limits 14 the types of voters with disabilities that can actually 15 claim this exemption?</p> <p>16 A. Without having the information on this 17 exemption, it's hard to conduct a comparison between the 18 two. We -- that's why we approached the individuals who 19 represent the disabled in Texas for their input on a 20 standard that would be acceptable to them.</p> <p>21 Q. SB 14, as passed, deals with the Veterans 22 Administration I believe. Actually, I should do this 23 the right way.</p> <p>24 SB 14, as passed, what exemption for 25 disabilities is included in that?</p>	<p style="text-align: right;">224</p> <p>1 Representative Harless conduct specifically regarding 2 this issue? This issue being the disability exemption.</p> <p>3 A. I don't recall -- I don't recall that issue -- 4 that issue with regards to this Senate language. We did 5 analysis on the language that was offered to us by 6 Advocacy, Inc. and that's what's contained in this 7 e-mail and -- and I don't recall the information on the 8 Senate amendment.</p> <p>9 Q. So beyond communicating with Advocacy, Inc., 10 did you communicate with any other groups?</p> <p>11 A. Can you be more specific? On this issue?</p> <p>12 Q. Yes. And we're referencing Exhibit Number 7.</p> <p>13 MS. HALPERN: He's asking I think if you 14 talked to any other handicapped representing groups -- 15 with disability representing groups.</p> <p>16 A. Okay. They -- they were who our office worked 17 with on this issue. I don't recall any other groups 18 that we -- that we worked with.</p> <p>19 Q. (By Mr. Geer) Referring your attention to 20 Exhibit Number 8.</p> <p>21 MS. HALPERN: Is 8 the House Journal?</p> <p>22 MR. GEER: Yes.</p> <p>23 Q. (By Mr. Geer) You testified earlier this 24 morning that the intent for SB 14 was for photo ID. Do 25 you recall that testimony?</p>

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<p style="text-align: right;">225</p> <p>1 A. Yes.</p> <p>2 Q. Is it fair to say that the amendments, as you</p> <p>3 testified, that were offered by Democrats were also</p> <p>4 offered by opponents of SB 14?</p> <p>5 A. I'm not sure if I'm clear on that question.</p> <p>6 The amendments offered were all by opponents? Or all</p> <p>7 amendments offered by Democrats were opponents? Can</p> <p>8 you --</p> <p>9 Q. Personally, I don't care if they were offered</p> <p>10 by Democrats. Specifically, were they offered by</p> <p>11 opponents of SB 14?</p> <p>12 A. Not all amendments offered were offered by</p> <p>13 opponents of the legislation.</p> <p>14 Q. Was Amendment 3 offered by an opponent of SB 14</p> <p>15 and that was Representative Giddings and Bonnen?</p> <p>16 A. Representative Bonnen. Representing Giddings,</p> <p>17 I'd have to look at the final vote, but I would say that</p> <p>18 she -- she was not in favor of SB 14. Representative</p> <p>19 Bonnen was most likely in favor of SB 14.</p> <p>20 Q. And that amendment was tabled?</p> <p>21 A. Amendment Number 3 was adopted.</p> <p>22 Q. And did this amendment make it out of</p> <p>23 committee, is it included in the final passage of the</p> <p>24 bill? And I'm talking about SB 14.</p> <p>25 A. I do not believe this was included in the final</p>	<p style="text-align: right;">227</p> <p>1 Q. What was the form of the research? I'm sorry</p> <p>2 to cut you off.</p> <p>3 A. That's okay.</p> <p>4 Q. What was the form of the research?</p> <p>5 A. The information we requested of Representative</p> <p>6 Gonzalez, the search of other tribal identifications,</p> <p>7 the requirements for tribal identifications.</p> <p>8 Q. And as you sit here today, do you know how many</p> <p>9 different types of tribal identification cards there are</p> <p>10 in the state of Texas?</p> <p>11 A. I don't -- I don't recall that information.</p> <p>12 Q. Did you determine that during your review of SB</p> <p>13 14?</p> <p>14 A. I believe so.</p> <p>15 Q. And was that a matter of public debate, the</p> <p>16 number of different types of tribal ID cards?</p> <p>17 A. I don't recall the debate on that issue.</p> <p>18 MS. HALPERN: How much time is left?</p> <p>19 (Brief discussion off record about time</p> <p>20 left.)</p> <p>21 Q. (By Mr. Geer) So referring your attention to</p> <p>22 Exhibit Number 5, the question that was asked, was that</p> <p>23 a question that was asked by you to Ann McGeehan?</p> <p>24 A. This specific question language, I don't recall</p> <p>25 if that was from me. That was the information we were</p>
<p style="text-align: right;">226</p> <p>1 version of the bill.</p> <p>2 Q. Do you know why it was not included in the</p> <p>3 final version of the bill? Did you have any discussions</p> <p>4 with Representative Harless regarding why it was not</p> <p>5 included?</p> <p>6 A. It would have been discussed. I don't remember</p> <p>7 the specifics of that discussion.</p> <p>8 Q. So as you sit here today, you don't recall why</p> <p>9 Amendment Number 3 was not included in the final passage</p> <p>10 of SB 14?</p> <p>11 A. I don't recall the specifics of that</p> <p>12 discussion.</p> <p>13 Q. Regarding Amendment Number 30, you testified</p> <p>14 earlier this morning regarding standardization of ID</p> <p>15 cards. Do you recall that testimony?</p> <p>16 A. Yes.</p> <p>17 Q. What, if any, written analysis did either you</p> <p>18 or Representative Harless conduct to determine if</p> <p>19 Amendment Number 30 offered standard tribal ID cards?</p> <p>20 A. We researched the issue. Written analysis, I'm</p> <p>21 not clear on what you're meaning is behind that.</p> <p>22 Q. I'm mean written analysis. Did you -- did you</p> <p>23 research and reduce your research to a written form?</p> <p>24 A. Not that I recall. It was researched but I</p> <p>25 don't remember reducing it --</p>	<p style="text-align: right;">228</p> <p>1 trying to determine. But this specific language, I</p> <p>2 don't know the origin of that.</p> <p>3 Q. Why were you trying to determine this language</p> <p>4 or this information?</p> <p>5 A. As part of my preparation, as part of my</p> <p>6 efforts the prepare Representative Harless for the</p> <p>7 debate and committee, we were trying to determine the</p> <p>8 number of voters who, according to the Secretary of</p> <p>9 State, did not register with a driver's license number.</p> <p>10 Q. Is it fair to say that during the course of the</p> <p>11 public debate for SB 14 and previous photo ID</p> <p>12 legislation that you were -- that you participated in,</p> <p>13 that one of the concerns was that minority voters</p> <p>14 disproportionately lacked the type of ID that's the</p> <p>15 subject of the question in this exhibit and specifically</p> <p>16 a Texas driver's license personal identification number?</p> <p>17 A. The information in the e-mail is not -- is</p> <p>18 for -- it's not broken down by racial information so</p> <p>19 that --</p> <p>20 Q. Which -- sorry -- which is not actually my</p> <p>21 question.</p> <p>22 During the public debate, was there</p> <p>23 concern raised by the opponents of SB 14 that racial</p> <p>24 minorities and ethnic language minorities lacked the</p> <p>25 required types of ID as indicated in SB 14?</p>

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<p style="text-align: right;">229</p> <p>1 A. That was an issue that was discussed in the 2 committee and on the Senate floor, on the House and 3 Senate floor, yes. 4 Q. So was this an effort by you and Representative 5 Harless to respond to those concerns? 6 A. I don't know if it was in direct response to 7 those concerns. We felt this information was -- would 8 be valuable for the debate. I don't know if it was in 9 direct response to those concerns. 10 Q. And at the end of the day, as indicated in 11 Exhibit 5, the number of voters with -- that lacked the 12 specific type of ID as requested in this exhibit was 13 600,900 --690,887? 14 MS. HALPERN: Objection, mischaracterizes 15 the document. It says nothing of the sort. Objection. 16 Q. (By Mr. Geer) Well, and let me respond to that 17 objection. 18 The question was: "What is the number of 19 voters that do not have a Texas driver's license, 20 personal identification number, or social security 21 number in the statewide voter database"? Did I read 22 that correctly? Did I read that correctly? 23 A. That was the question. This number is the 24 number -- this -- where the asterisk begins, "This 25 number represents all voters that do not have a TDL or</p>	<p style="text-align: right;">231</p> <p>1 number is a -- this number did not answer the question 2 above because it is from 2006 onward, and it is possible 3 that these people had driver's license but did not place 4 it on their voter registration card. So we did not have 5 a -- this did not answer directly our question. It was 6 an approximation. It was as good as the Secretary of 7 State could get a number to us. 8 Q. What, if anything else, did you do to attempt 9 to answer the question whether or not this number 10 represents individuals who do not have one of the 11 required forms of SB 14 ID? 12 A. This was the information we had at the time. I 13 understand that there was a significant amount of data 14 analysis after the fact, but this was the information 15 that we were -- that was available to us at the time. 16 Q. You communicated with DPS regarding -- I 17 believe you testified to this morning, I'm not trying 18 put words in your mouth, but you also communicated with 19 DPS regarding this particular issue? 20 A. I don't recall a conversation with DPS 21 regarding this specific information. I don't recall 22 that happening. 23 Q. Does DPS maintain data by race? 24 A. I believe they do. I don't know the specifics 25 on that, when they started collecting that data and how</p>
<p style="text-align: right;">230</p> <p>1 social security number associated with their record." It 2 is possible that these persons do not have a TDL -- that 3 they do in fact have a driver's license and they just 4 did not provide it. 5 Q. Well -- 6 A. So it -- it -- this number is explained in this 7 asterisk portion, so it doesn't answer this question up 8 here directly. 9 Q. Exhibit 5 doesn't say that -- that these people 10 have one of these forms of ID, does it? 11 A. This 690 number -- 12 MS. HALPERN: Objection, the document 13 speaks for itself. We can argue about it for another 14 two hours, but the document speaks for itself and it's 15 very clear. 16 MR. GEER: I'm not arguing, I'm asking. 17 Q. (By Mr. Geer) Does this document, Exhibit 18 Number 5, indicate that these people as identified by 19 this 690,887 have these forms of ID? 20 A. A number is not associated with their voter 21 registration record. 22 Q. What was Representative Harless's response to 23 this document? 24 A. It was our belief that this number was 25 overstated and we -- we -- let me correct that. This</p>	<p style="text-align: right;">232</p> <p>1 extensive that data is. 2 Q. During your consideration of SB 14, did you 3 attempt to determine the type of data that DPS 4 maintained? 5 A. Because DPS didn't have the voter information, 6 we sought that information from the Secretary of State's 7 Office; they were the ones that had the voter database 8 information. That was not maintained at DPS. 9 Q. So the answer is no? 10 A. We did not seek voter information from DPS. 11 Q. Did you seek to compare the information that 12 DPS maintained with the information that the Secretary 13 of State's Office maintained? Did you conduct any 14 analysis to determine what voters in the state of Texas 15 may not possess one of the required forms of SB 14 ID? 16 A. Merging -- 17 Q. Yes. 18 A. Merging those databases was not within our 19 resources in Representative Harless's office. 20 Q. So the answer is no? 21 A. No. 22 MR. GEER: Can we take quick break? 23 MS. HALPERN: Sure. 24 (Recess 5:53 p.m. to 5:56 p.m.) 25 MR. GEER: Back on the record.</p>

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<p style="text-align: right;">233</p> <p>1 Q. (By Mr. Geer) You've testified several times 2 that you considered the Crawford case. What information 3 did you draw from the Crawford case that was relevant to 4 your consideration of SB 14? 5 A. It's been some time since I've reviewed the 6 details within the case. There were so -- without a 7 copy of that, I can't really get into the details of the 8 standard that was set forth in Crawford, but there was a 9 standard that they -- they set out in that opinion that 10 was a model for states to follow. 11 Q. Would you agree that the demographics in 12 Indiana are different than the demographics in the state 13 of Texas? 14 A. Texas is unique so yes, I would say we have a 15 -- probably a unique population compared to Indiana. 16 Q. Would you agree that the demographics in 17 Georgia are different from the demographics in the state 18 of Texas. 19 A. Yes. 20 Q. Did you consider population trends as it 21 relates to the state of Georgia when considering -- when 22 considering your comparison of SB 14? 23 MS. HALPERN: Objection, vague. 24 Q. (By Mr. Geer) That was vague and I apologize 25 for that.</p>	<p style="text-align: right;">235</p> <p>1 turnout increased. 2 Q. When was Georgia's photo ID law implemented, do 3 you know? 4 A. I knew at the time. I don't recall now. 5 Q. If I said 2005, would that refresh your 6 recollection? 7 A. I believe that's correct. 8 Q. And am I correct that the law was not 9 implemented until 2007? 10 A. I -- I don't remember when the law was 11 implemented. 12 Q. Do you recall that it was a subject of legal 13 hearings? 14 A. Yes. 15 Q. So are you familiar with the population growth 16 in the state of Georgia? Did you consider that while 17 comparing the photo ID legislation of Georgia and Texas? 18 A. I don't recall the specifics of that analysis 19 done by the Secretary of State's Office, the Georgia 20 Secretary of State's Office. 21 Q. What analysis did you conduct? Did you 22 consider population growth? 23 A. I don't recall the specifics of the analysis 24 done. 25 Q. And you don't recall anything in writing</p>
<p style="text-align: right;">234</p> <p>1 Did you consider population trends in any 2 of these other states during your consideration of SB 3 14? 4 MS. HALPERN: Objection, vague. Can you 5 explain population trends? 6 Q. (By Mr. Geer) Do you understand population 7 trends? 8 A. Not entirely. 9 Q. Did Rep Harless, Representative Harless state 10 publicly that SB 14 would increase turnout for minority 11 voters? 12 A. I don't know the answer to that. I -- 13 without -- I can't remember on that issue. 14 Q. Did you conduct any analysis regarding turnout 15 as it relates to SB 14? 16 A. We looked at the other states that implemented 17 voter identification. 18 Q. And what other states did you look at? 19 A. The testimony from the Georgia witness from the 20 Secretary -- the Georgia Secretary of State, his 21 information on turnout was information that we looked 22 at. 23 Q. And do you recall specifically what that 24 information was? 25 A. That there was a positive correlation, voter</p>	<p style="text-align: right;">236</p> <p>1 regarding relating to SB 14 and population growth? 2 A. No. 3 Q. Do you know if the population growth in the 4 state of Georgia is the same as the population growth in 5 the state of Texas? 6 A. I don't think so. 7 Q. Did you consider that during your review of 8 both state laws as it relates to photo identification 9 law -- legislation? I'm sorry. 10 A. I don't recall the specifics of that issue. 11 Q. And is it fair to say that you don't recall 12 reviewing any written analysis regarding population 13 growth in either state? 14 A. I don't recall. 15 Q. Do you recall if the photo ID law that was 16 implemented in the state of Georgia includes the same 17 types of photo ID that was implemented in the state of 18 Texas? Was there any difference? 19 A. I don't recall the specifics of the Georgia 20 photo identification law. There certainly are 21 differences between the two laws. 22 Q. Would you agree that the majority of the 23 amendments proposed by opponents of SB 14 were tabled 24 during the consideration of SB 14? 25 A. Yes.</p>

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<p style="text-align: right;">237</p> <p>1 Q. Would you agree that there was public debate 2 regarding those amendments and they were offered in -- 3 to address the concerns of the opponents of SB 14? 4 MS. HALPERN: Objection, no foundation. 5 Q. (By Mr. Geer) Well, we could go through the 6 amendments again if you want to. But realizing you've 7 testified about the amendments this morning -- 8 A. Yes. 9 Q. -- I'm asking you that question. 10 A. The amendments I think would stand on their 11 own. It would be on a case by case and amendment by 12 amendment what the motivation was for each amendment. 13 It's -- I can't say whether an amendment was addressing 14 concerns unless I was looking at -- through each 15 amendment. 16 Q. And we won't do that again. 17 MS. HALPERN: Thank you. 18 Q. (By Mr. Geer) Turning your attention to Exhibit 19 10 and specifically the document that has the indicator 20 TX 00006971. 21 MS. HALPERN: I'm sorry, what page, 69? 22 MR. GEER: -71. 23 MS. HALPERN: This document is marked 24 highly confidential; therefore if it weren't already 25 under seal, we would be asking to be under seal.</p>	<p style="text-align: right;">239</p> <p>1 Q. And what's the subject line? 2 A. Conference Committee Report, Senate Bill 14. 3 Q. And did you prepare this e-mail? 4 A. I believe so. I don't know if all the language 5 was mine but I believe so. 6 Q. And what's the date of this e-mail? 7 A. This is April 20th. 8 Q. And it discusses the difference between CCR SB 9 14 and House passage SB 14, correct? 10 A. Yes. 11 Q. And what does CCR stand for? 12 A. Conference Committee Report. 13 Q. The very first section indicates that, "CCR 14 adds back religious exemption but with tightened 15 language." Do you see that? 16 A. Yes. 17 Q. What the tightened language that was added back 18 into the religious exemption? 19 A. I don't remember. I don't remember that 20 issuing. 21 Q. Were you involved in communications regarding 22 tightening the language of the religious exemptions? 23 A. I don't recall that issue. I don't remember. 24 Q. Did -- were you involved in communications 25 regarding why the word "consistently" was added into the</p>
<p style="text-align: right;">238</p> <p>1 Q. (By Mr. Geer) Can you tell me what this 2 document is, please? 3 A. This -- Exhibit 10, this was in preparation for 4 the debate on the Conference Committee Report adoption. 5 Q. And who is this document from? It's an e-mail, 6 correct? Who is that from, Exhibit 10? 7 A. Okay. Sorry. I lost -- 8 Q. 6971 -- 9 A. Okay. 10 Q. -- is the Bates number, the Texas Bates number. 11 MS. HALPERN: Let the record also reflect 12 that this appears to be a printout from the private 13 e-mail of Representative Harless. 14 MR. GEER: Are we looking at the same 15 thing? 16 MS. HALPERN: Page 1 of 1? 17 A. Yes, I've got it. 18 MS. HALPERN: Yeah, it's a printout from 19 her private e-mail. 20 Q. (By Mr. Geer) Well, actually, let me just go 21 through it so the record is clear. Do you see the top 22 of it, this is an e-mail, correct? 23 A. Yes. 24 Q. Who is the e-mail from? 25 A. It is from myself to Representative Harless.</p>	<p style="text-align: right;">240</p> <p>1 language of religious exemption? 2 MS. HALPERN: You're referring to the 3 languages that says, "The voter has consistently refused 4 to be photographed for any government purpose"? 5 MR. GEER: Correct, and consistently is 6 underlined. 7 A. I don't recall that discussion. 8 Q. (By Mr. Geer) The second paragraph says, "CCR 9 removes requirement that SOS education efforts target 10 low income minority voters," and it has "Miles." Who is 11 Miles? 12 A. That would be -- I believe that was Borris 13 Miles who offered that amendment, Representative Miles. 14 Q. And that amendment was removed and it indicates 15 that -- the OAG and SOS concerns. What concerns did the 16 OAG and SOS have regarding this particular amendment? 17 A. I don't recall that -- 18 Q. Did you -- 19 A. -- information. 20 Q. I'm sorry, were you finished? 21 A. I don't recall that discussion. 22 Q. Did you have a discussion with the Office of 23 the Attorney General regarding this amendment targeting 24 low income and minority voters? 25 A. I -- I don't recall that conversation.</p>

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<p style="text-align: right;">241</p> <p>1 Q. Did you have a conversation with the Secretary 2 of State regarding targeting low income and minority 3 voters? 4 A. I don't recall that information -- that 5 conversation. 6 MS. HALPERN: Let me ask for a 7 clarification of my own witness. When you say, "I don't 8 recall," does that mean it didn't happen or you don't 9 remember -- 10 THE WITNESS: I don't remember. 11 MS. HALPERN: You don't remember whether 12 they had it at all? 13 THE WITNESS: Yes. 14 Q. (By Mr. Geer) So as you sit here today, you 15 don't know what if any concerns the Office of the 16 Attorney General or the SOS -- 17 A. I don't -- 18 Q. -- Secretary of State's Office had? 19 A. I don't remember their specific concerns with 20 that. Yeah, I don't remember their concerns regarding 21 that amendment. 22 Q. Did you receive anything in writing expressing 23 the concerns of the Office of the Attorney General or 24 the Secretary of State's Office regarding this 25 amendment?</p>	<p style="text-align: right;">243</p> <p>1 that they may not possess the necessary forms of ID? 2 A. The concern was -- was addressed in the bill 3 with the other provision with the free IDs, all the 4 other issues that we've discussed, all the provisions in 5 the bill that provide protections for that. 6 Q. Well, this was an amendment specific to tribal 7 IDs, correct? 8 A. Yes. 9 Q. And SB 14 removes any language referring 10 directly to tribal IDs, correct? 11 A. Yes. 12 Q. And so the question was: Were you or 13 Representative Harless concerned that this specific 14 group may not possess any others form of ID? Did you 15 consider that? 16 A. That was considered but we determined that this 17 was a small number of voters and that there was not a 18 standardized form so this would not be an acceptable 19 form of identification for voter ID purposes. 20 Q. "CCR removes ID approved by State as an 21 acceptable form of ID. Language was too broad." Do you 22 see that? 23 A. Yes. 24 Q. And that was by Representative Alonzo? 25 A. Correct.</p>
<p style="text-align: right;">242</p> <p>1 A. Not that I remember. 2 Q. Paragraph 5, "CCR removes tribal ID as an 3 acceptable form of ID," and it has "Naomi Gonzalez." 4 Naomi Gonzalez is Representative Gonzalez? 5 A. Correct. 6 Q. And it goes on to say that, "Tribal IDs have no 7 standardized form." We've talked with that? 8 A. Yes. 9 Q. "No evidence that this small number of voters 10 do not already have other forms of ID." What research 11 did you conduct to determine whether or not this 12 specific group had other forms of ID? 13 A. When we requested information from 14 Representative Gonzalez's office, I believe this was one 15 of the issues that we asked for. They did not present 16 us any evidence of this, that these individuals in 17 tribal areas would not have a driver's license. 18 Q. Did they present you any evidence that they did 19 have a driver's license? 20 A. I -- 21 Q. And we're speaking about Representative 22 Gonzalez who you made the request to. 23 A. Correct. I don't recall. I just -- I don't 24 remember any evidence on that issue from their office. 25 Q. Did it concern you or Representative Harless</p>	<p style="text-align: right;">244</p> <p>1 Q. The amendment? 2 A. Correct. 3 Q. What, if any, research did you conduct to 4 support the position that the language was too broad? 5 MS. HALPERN: Objection, no foundation. 6 Q. (By Mr. Geer) Well, let me add a little 7 foundation then. You understand that we're discussing 8 amendments that were offered on the House floor? 9 A. Yes. 10 Q. You understand that this particular amendment 11 was offered by Representative Alonzo? 12 A. Yes. 13 Q. And that the amendment attempted to include 14 language that would allow IDs approved by State -- by 15 the State of Texas as an acceptable form of ID in SB 14? 16 A. I don't remember the exact language of the 17 amendment? 18 Q. Well, generally -- 19 A. Yes. 20 Q. -- I mean, you're looking at -- 21 A. The summary states that it was a State 22 acceptable form approved by the State. I think the 23 "approved by the State" language was what -- where the 24 "too broad" issue was coming from. 25 Q. And what did you understand --</p>

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<p style="text-align: right;">245</p> <p>1 A. What is approved.</p> <p>2 Q. -- approved by the State to mean?</p> <p>3 A. "What does approved by the State mean?" was the</p> <p>4 question.</p> <p>5 Q. All right. What did you understand that to</p> <p>6 mean?</p> <p>7 A. That was our question. We did not know what</p> <p>8 that meant.</p> <p>9 Q. Did you attempt to elicit that knowledge from</p> <p>10 Representative Alonzo?</p> <p>11 A. I don't recall.</p> <p>12 Q. Did you receive anything in writing or did you</p> <p>13 send anything in writing that shows that you attempted</p> <p>14 to elicit that kind of information from Representative</p> <p>15 Alonzo?</p> <p>16 A. I don't recall the discussion on that issue</p> <p>17 with Representative Alonzo.</p> <p>18 Q. And I'm almost done.</p> <p>19 Turning your attention to TX -- subsequent</p> <p>20 page on Exhibit 10, the Bates stamp number is TX</p> <p>21 00006973 and the document is titled Voter ID</p> <p>22 Differences. Have you seen this document before?</p> <p>23 A. I do recall this document.</p> <p>24 Q. Did you prepare this document?</p> <p>25 MS. HALPERN: Let the record reflect this</p>	<p style="text-align: right;">247</p> <p>1 you have a discussion with Representative Harless where</p> <p>2 you -- did you participate in any communication where</p> <p>3 you talked about the over 70 exemption and the</p> <p>4 possibility that this created two classes of voters?</p> <p>5 A. I -- I don't remember that discussion.</p> <p>6 Q. "Section 17, Senate exemption for indigent: Is</p> <p>7 this Necessary?" What, if any, research did you or</p> <p>8 Representative Harless conduct to determine whether or</p> <p>9 not an exemption for indigent voters was necessary?</p> <p>10 A. This was not my language so I don't know.</p> <p>11 Q. You don't even have to look at the language --</p> <p>12 A. Okay.</p> <p>13 Q. -- I'm asking you what --</p> <p>14 A. Separate from this document?</p> <p>15 Q. Correct.</p> <p>16 A. Okay. I'm sorry, can you repeat the question?</p> <p>17 Q. What, if any, research did you or</p> <p>18 Representative Harless conduct to determine if an</p> <p>19 exemption for indigent voters was necessary?</p> <p>20 A. I don't recall on that issue.</p> <p>21 Q. Do you recall any written analysis regarding</p> <p>22 the exemption for indigent voters?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you recall any written analysis considering</p> <p>25 indigent voters and the impact of SB 14 on that</p>
<p style="text-align: right;">246</p> <p>1 is noted Highly Confidential on the bottom and so it's</p> <p>2 one of the apparently disputed documents.</p> <p>3 MR. GEER: And I should have said that.</p> <p>4 Thank you.</p> <p>5 Q. (By Mr. Geer) Did you prepare this document?</p> <p>6 A. Not that I recall.</p> <p>7 Q. But you reviewed this document previously?</p> <p>8 A. I have seen this document before.</p> <p>9 Q. The second paragraph, "Section 5, Voter ID</p> <p>10 Identification, target at low-income voters, OAG</p> <p>11 dislikes." Do you know what the Office the Attorney</p> <p>12 General disliked about this particular amendment?</p> <p>13 MR. SCOTT: Objection, form, speculation.</p> <p>14 A. I didn't prepare this document so I can't speak</p> <p>15 to that issue. I don't know.</p> <p>16 Q. (By Mr. Geer) Do you know who prepared this</p> <p>17 document?</p> <p>18 A. I don't recall.</p> <p>19 Q. "Section 9, Over 70 as of 1-1-12 exemption, two</p> <p>20 classes of voters." Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. What does -- what does that mean, two classes</p> <p>23 of voters?</p> <p>24 MR. SCOTT: Objection, form, speculation.</p> <p>25 Q. (By Mr. Geer) Well, let me clarify that. Did</p>	<p style="text-align: right;">248</p> <p>1 population?</p> <p>2 A. SB 14 provided a free ID provision, which would</p> <p>3 address the indigent population.</p> <p>4 Q. Is it fair to say that the underlying documents</p> <p>5 for the free IDs are not free?</p> <p>6 MR. SCOTT: Objection, form. Contradicts</p> <p>7 previous evidence developed at the deposition of Stan</p> <p>8 Stanart earlier this week.</p> <p>9 Q. (By Mr. Geer) Do you have an understanding that</p> <p>10 underlying documents for an election identification</p> <p>11 certificate have a cost?</p> <p>12 A. It's my understanding that that cost is nominal</p> <p>13 if not totally eliminated.</p> <p>14 Q. And nominal, do you know the price of a birth</p> <p>15 certificate, the cost?</p> <p>16 MR. SCOTT: Objection, form, vague. Are</p> <p>17 y'all talking about for ID purposes or just in general?</p> <p>18 I think there's two -- there's --</p> <p>19 MR. GEER: In general.</p> <p>20 MS. HALPERN: Objection, relevance.</p> <p>21 Q. (By Mr. Geer) You can answer.</p> <p>22 A. Birth certificates for non-election purposes, I</p> <p>23 believe are in the range of \$20. For election purposes,</p> <p>24 I believe those -- those are provided at no cost for</p> <p>25 those seeking a birth certificate for an election</p>

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<p style="text-align: right;">249</p> <p>1 purpose.</p> <p>2 Q. What's the process for that, for obtaining a</p> <p>3 birth certificate at no cost?</p> <p>4 A. I don't know the details on that process.</p> <p>5 Q. Does the voter -- is the voter required or the</p> <p>6 applicant required to affirmatively ask for a birth</p> <p>7 certificate at no cost, do you know?</p> <p>8 A. I'm not informed of the details about how a</p> <p>9 voter goes about that process.</p> <p>10 Q. If a voter went to the Vital Statistics office</p> <p>11 in the state of Texas and did not affirmatively ask for</p> <p>12 the birth certificate for voting purposes and was</p> <p>13 charged, would you agree that there was a cost for that</p> <p>14 underlying document?</p> <p>15 A. In that scenario, if --</p> <p>16 Q. In that scenario.</p> <p>17 A. If somebody had to pay for a birth certificate,</p> <p>18 yes, there would be a cost.</p> <p>19 Q. And do you -- did you conduct any analysis,</p> <p>20 research to determine what was nominal as far as cost</p> <p>21 for people, specifically voters that lived below the</p> <p>22 poverty line, indigent voters?</p> <p>23 A. I'm sorry, but can you -- the question again</p> <p>24 because it --</p> <p>25 Q. You testified that the cost for underlying</p>	<p style="text-align: right;">251</p> <p>1 A. According to this document, the OAG liked that</p> <p>2 provision. I don't recall that discussion.</p> <p>3 Q. And I'll correct the record. I read it wrong.</p> <p>4 Thank you for pointing that out. I apologize for that.</p> <p>5 MS. HALPERN: Let me state for the record</p> <p>6 on behalf of the Office the Attorney General that we</p> <p>7 don't hate the indigent exemption.</p> <p>8 MR. GEER: Well, actually --</p> <p>9 MS. HALPERN: Your characterization is a</p> <p>10 slur on this office.</p> <p>11 MR. SCOTT: Not the first.</p> <p>12 (Laughing.)</p> <p>13 MR. GEER: If I was trying to elicit your</p> <p>14 testimony, that would be perfect, but since I'm not I'd</p> <p>15 appreciate it if you would let the witness answer.</p> <p>16 I believe at this point, I am done with my</p> <p>17 questioning.</p> <p>18 And I am going to hold this deposition</p> <p>19 open for the purposes of dealing with the outstanding</p> <p>20 issue of legislative privilege. I believe that the</p> <p>21 court is -- that that issue is still pending before the</p> <p>22 court. And the witness has exercised his right to claim</p> <p>23 legislative privilege throughout the deposition. And if</p> <p>24 the court -- once the court rules, it may be appropriate</p> <p>25 to come back and revisit the issues of legislative</p>
<p style="text-align: right;">250</p> <p>1 documents would be nominal, correct?</p> <p>2 A. Yes, for election purposes.</p> <p>3 Q. What are you basing that on?</p> <p>4 A. That birth certificates are offered at no cost</p> <p>5 for those who are seeking a birth certificate for the</p> <p>6 purposes of obtaining an election identification</p> <p>7 certificate.</p> <p>8 Q. As you sit here today, can you -- do you know</p> <p>9 whether or not in the implementation of that particular</p> <p>10 provision as SB 14, whether it's followed by all</p> <p>11 counties?</p> <p>12 A. I don't know.</p> <p>13 Q. And on Section 17, which we were just</p> <p>14 discussing in Exhibit 10, it says "OAG dislikes." Did</p> <p>15 you or Representative Harless have any discussions with</p> <p>16 the office of the Attorney General regarding what they</p> <p>17 disliked about this particular amendment, exemption for</p> <p>18 indigent or religious exemptions?</p> <p>19 A. I'm reading it that the OAG liked the religious</p> <p>20 portion of that. I don't think it's speaking to the</p> <p>21 OAG's opinion on the indigent provision.</p> <p>22 Q. How do you know?</p> <p>23 A. Just from this document.</p> <p>24 Q. What did they dislike about the religious</p> <p>25 exemption?</p>	<p style="text-align: right;">252</p> <p>1 privilege.</p> <p>2 MS. HALPERN: And I understand that, but</p> <p>3 since in fact he's gone ahead and answered your</p> <p>4 questions, albeit under seal, I don't know what there</p> <p>5 would be to reopen. You have the answers. The Court</p> <p>6 will simply rule on whether you can use them or not.</p> <p>7 But it's not like he refused to answer. He did answer.</p> <p>8 He just answered with that objection pending. And if</p> <p>9 the Court chooses to accredit it, then the testimony is</p> <p>10 not usable. And if the Court doesn't choose to accredit</p> <p>11 it, then you already have your testimony. So do we</p> <p>12 really need to keep this witness on the hook when he's</p> <p>13 answered the questions?</p> <p>14 MR. GEER: I'm going to leave it open.</p> <p>15 MS. HALPERN: Well, over my -- over my</p> <p>16 screaming objection.</p> <p>17 And your counsel -- your co-counsel now</p> <p>18 has 23 minutes.</p> <p>19 MR. ALI: We can continue going,</p> <p>20 Mr. Beuck, unless you need a break.</p> <p>21 THE WITNESS: It's okay, let's go.</p> <p>22 MR. ALI: Great. I only have a few</p> <p>23 questions.</p> <p>24 THE WITNESS: Okay.</p> <p>25 EXAMINATION</p>

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<p style="text-align: right;">253</p> <p>1 BY MR. ALI:</p> <p>2 Q. I'm just going to reintroduce myself. My name</p> <p>3 is Hasan Ali, I represent the Texas League of Young</p> <p>4 Voters and Imani Clark in this litigation.</p> <p>5 A. Okay.</p> <p>6 Q. So, earlier today Ms. Rudd and Mr. Geer gave</p> <p>7 some ground rules for the deposition. We're going to be</p> <p>8 operating under the same ground rules.</p> <p>9 I'm just going to ask you a few questions</p> <p>10 and hopefully we can run through this pretty quickly.</p> <p>11 A. Okay.</p> <p>12 Q. And I apologize in advance if some of my</p> <p>13 questions restate some of your earlier testimony. It's</p> <p>14 just to go through it really quickly, so this is not</p> <p>15 meant to trip you up in any way.</p> <p>16 Would you agree that prior to SB 14,</p> <p>17 student IDs were an acceptable form of identification to</p> <p>18 vote in Texas?</p> <p>19 A. I don't have the statute before Senate Bill 14</p> <p>20 before me so I don't remember if they were considered a</p> <p>21 form of identification or not.</p> <p>22 Q. If I represent to you that you could vote with</p> <p>23 a student ID prior to SB 14 --</p> <p>24 A. Okay.</p> <p>25 Q. -- would you accept that, my representation on</p>	<p style="text-align: right;">255</p> <p>1 this bill if student IDs would be acceptable under any</p> <p>2 of these provisions.</p> <p>3 MS. HALPERN: Under 112?</p> <p>4 MR. ALI: Under 112.</p> <p>5 MS. HALPERN: Okay, so we're not talking</p> <p>6 about existing law anymore?</p> <p>7 MR. ALI: We're looking now at 112.</p> <p>8 MS. HALPERN: All right. Thank you.</p> <p>9 MR. ALI: I think Mr. Beuck's accepted my</p> <p>10 representation that you could vote under a student ID</p> <p>11 under prior versions of -- or existing law prior to SB</p> <p>12 14.</p> <p>13 MS. HALPERN: Well, he accepted it, but</p> <p>14 that doesn't mean we accepted it.</p> <p>15 MR. ALI: That's fine.</p> <p>16 THE WITNESS: I'll take your word for it.</p> <p>17 MR. ALI: For purposes of moving this</p> <p>18 along.</p> <p>19 MS. HALPERN: All right.</p> <p>20 Go ahead and answer his questions.</p> <p>21 A. Okay. The -- are you referring to the six</p> <p>22 forms of identification listed in 112?</p> <p>23 Q. (By Mr. Ali) Yes.</p> <p>24 A. "A valid identification card that contains a</p> <p>25 person's photograph issued by an agency, institution or</p>
<p style="text-align: right;">254</p> <p>1 that?</p> <p>2 A. Okay.</p> <p>3 Q. Great. Would you mind looking at</p> <p>4 exhibit number -- Exhibit 3, which is HB 112.</p> <p>5 A. What exhibit was that?</p> <p>6 Q. Number 3.</p> <p>7 A. Okay.</p> <p>8 Q. Representative Harless authored this Bill; is</p> <p>9 that right?</p> <p>10 A. Correct.</p> <p>11 Q. Do you mind looking at Page 6, which sets forth</p> <p>12 the acceptable forms of identification under this</p> <p>13 bill. I'll give you a second to review these</p> <p>14 provisions, but would student IDs be an acceptable form</p> <p>15 of identification under each -- any of these provisions?</p> <p>16 MS. HALPERN: Counsel, just -- forgive me,</p> <p>17 and I don't mean to be difficult but I just want to be</p> <p>18 sure that what's happening in my brain is not in fact</p> <p>19 what you're doing.</p> <p>20 MR. ALI: Sure.</p> <p>21 MS. HALPERN: Your representation about</p> <p>22 student IDs being an acceptable form of identification</p> <p>23 was not based on any language in House Bill 112, was it?</p> <p>24 MR. ALI: No. No, I'm asking simply, you</p> <p>25 know, based off of Mr. Beuck's drafting and research of</p>	<p style="text-align: right;">256</p> <p>1 political subdivision of the State." I -- you know, I</p> <p>2 don't know enough about the issue to determine whether</p> <p>3 that would include a state school or not, so I'm not</p> <p>4 sure I understand the question.</p> <p>5 Q. Well, my question was intended to be a simple</p> <p>6 one, which is based off of -- you know, you had</p> <p>7 testified earlier that you drafted HB 112; is that</p> <p>8 right?</p> <p>9 A. Yes. This was a draft that I requested from</p> <p>10 legislative counsel.</p> <p>11 Q. And during the drafting of HB 112, you gave no</p> <p>12 consideration to whether or not student ID would be</p> <p>13 acceptable form of identification under HB 112?</p> <p>14 A. I don't recall. I don't recall that issue</p> <p>15 coming up.</p> <p>16 Q. Did you conduct any studies or analysis of</p> <p>17 instance of voter fraud using student IDs?</p> <p>18 MS. HALPERN: That's a yes or no.</p> <p>19 A. Not that I recall.</p> <p>20 Q. (By Mr. Ali) Did you conduct any studies or</p> <p>21 analysis on the difficulty of forging student IDs?</p> <p>22 A. Not that I recall.</p> <p>23 Q. And I also assume you didn't conduct any</p> <p>24 studies or analysis on the number of minority student</p> <p>25 voters who used student IDs to vote?</p>

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<p style="text-align: right;">257</p> <p>1 A. Not that I recall.</p> <p>2 Q. Take a look at Exhibit Number 8, please. And</p> <p>3 this, for the record, is the House Journal dated March</p> <p>4 23, 2011. I'd specifically like to ask you to look at</p> <p>5 Page 979. Can you please look at Amendment Number 23.</p> <p>6 A. Yes.</p> <p>7 Q. What is your understanding of this amendment?</p> <p>8 A. This is an amendment offered by Representative</p> <p>9 Dutton, which would have added to Senate Bill 14 a</p> <p>10 student identification card issued by a public or</p> <p>11 private institution of higher education that contains a</p> <p>12 person's photograph.</p> <p>13 Q. Does this exhibit indicate that Representative</p> <p>14 Phillips moved to table this amendment?</p> <p>15 A. Yes.</p> <p>16 Q. And how did Representative Harless vote on that</p> <p>17 motion?</p> <p>18 A. She motioned to table.</p> <p>19 Q. Did you have any discussions with</p> <p>20 Representative Harless regarding this amendment?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Did you have any discussions with any other</p> <p>23 legislative staff regarding this amendment?</p> <p>24 MS. HALPERN: Answer yes or no before you</p> <p>25 give any content of any such communication.</p>	<p style="text-align: right;">259</p> <p>1 with?</p> <p>2 A. I began employment in 2003.</p> <p>3 Q. 2003. So about 11 years; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. During your time -- during those 11 years, have</p> <p>6 you ever known of an instance where a legislator has</p> <p>7 authored a bill that they did not support?</p> <p>8 A. I'm sorry. They authored a bill that they did</p> <p>9 not support?</p> <p>10 Q. That's right.</p> <p>11 A. That's -- I'm going to need a little bit more</p> <p>12 specific -- support, what do you mean by support?</p> <p>13 Q. That they would not like to see passed. They</p> <p>14 would not vote for it.</p> <p>15 MR. SCOTT: Let me object, it's vague. Do</p> <p>16 you include amendments to bills as being -- that --</p> <p>17 making that person part of an author of a bill?</p> <p>18 MR. ALI: No. For the purposes of this</p> <p>19 question, I'm specifically asking if they're the author</p> <p>20 of the original bill? Yes or no question.</p> <p>21 A. It's not that easy because there's a variety of</p> <p>22 things that can come up in the legislative process that</p> <p>23 would -- that would change that -- that issue. I don't</p> <p>24 know if I can answer that question.</p> <p>25 Q. (By Mr. Ali) Okay. When -- let's restrict the</p>
<p style="text-align: right;">258</p> <p>1 A. No.</p> <p>2 Q. (By Mr. Ali) Do you know why Representative</p> <p>3 Harless voted to table this amendment?</p> <p>4 A. No.</p> <p>5 Q. Have --</p> <p>6 MS. HALPERN: Let the record reflect that</p> <p>7 Senator -- that Representative Harless, if I'm not</p> <p>8 mistaken, was deposed today and was available to answer</p> <p>9 all of these kinds of questions.</p> <p>10 MR. ALI: I'm specifically asking the</p> <p>11 deponent of his knowledge.</p> <p>12 Q. (By Mr. Ali) Prior to the working for</p> <p>13 Representative Harless, you worked for Lieutenant</p> <p>14 Governor Dewhurst; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. In what capacity? I know we're restating. I</p> <p>17 just want to go through this quickly for my own</p> <p>18 knowledge.</p> <p>19 A. I worked for the Lieutenant Governor as a</p> <p>20 policy analyst.</p> <p>21 Q. And you now work for the Senator Taylor; is</p> <p>22 that right?</p> <p>23 A. Correct.</p> <p>24 Q. How long would you say you've been working with</p> <p>25 the Texas legislator -- the legislative branch, in or</p>	<p style="text-align: right;">260</p> <p>1 time frame a little bit. So, do you know of an instance</p> <p>2 during your 11 years working in or with the Texas</p> <p>3 legislature in which a legislature -- legislator has</p> <p>4 authored a bill that they did not support when they</p> <p>5 authored it? And the purpose of that clarification is</p> <p>6 to understand that at certain times things change or may</p> <p>7 change later down the road.</p> <p>8 A. There are bills filed that don't end up</p> <p>9 passing, that don't get moved by legislatures -- by</p> <p>10 members of the legislature. That happens often.</p> <p>11 Q. I understand that, but that's not the question</p> <p>12 I asked.</p> <p>13 A. Then I don't understand the question.</p> <p>14 MR. ALI: Do you mind repeating the</p> <p>15 question as I asked it.</p> <p>16 (Requested portion was read back by the</p> <p>17 court reporter.)</p> <p>18 A. Members of the legislature file bills that they</p> <p>19 don't end up supporting for a variety of reasons. I'm</p> <p>20 sure that's happened before.</p> <p>21 Q. (By Mr. Ali) I don't want to argue with you.</p> <p>22 So the purpose of this is not to argue with you, but --</p> <p>23 A. I understand. I just don't --</p> <p>24 Q. -- the response that you gave me is not the</p> <p>25 question I asked and I explicitly excluded that by the</p>

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<p style="text-align: right;">261</p> <p>1 basis of my clarification, which is, I understand that 2 later on they may not support it. But when they 3 authored it, have you ever witnessed an incident where, 4 or an instance in which a legislator has authored a bill 5 that they did not support when they offered it? 6 MS. HALPERN: Objection, calls for 7 speculation. 8 A. I'm attempting to answer your question. I 9 don't understand -- 10 Q. (By Mr. Ali) I appreciate that. 11 A. -- the -- the premise that the question is 12 based upon. But I can tell you that, in my experience, 13 there's been members that that happens often. There's 14 bills that are filed that don't move forward and there's 15 a variety of reasons for that. 16 Q. You testified earlier that you reviewed 17 Crawford when drafting and researching Voter ID laws in 18 the fall of 2010 and through the passage of SB 14; is 19 that right? 20 A. That's correct. 21 Q. Mr. Geer asked you a question of what you 22 gleaned from Crawford at the time. Would you mind just 23 giving me that answer again. 24 So what did you learn from Crawford, what 25 did it tell you?</p>	<p style="text-align: right;">263</p> <p>1 A. I believe I have answered that before. I 2 don't... 3 Q. (By Mr. Ali) And you may have, I just don't 4 remember your answer. 5 A. Okay. 6 MS. HALPERN: Counsel, by my watch, you've 7 got 8 minutes left before we're out of time in this 8 deposition. Do you have any new questions to ask? I 9 invite you to ask them. 10 MR. ALI: I'm still waiting for a response 11 to this one. 12 Q. (By Mr. Ali) If you've asked and answered it, I 13 assume it should be pretty quick. 14 A. Well, it's been a long day, so I'm trying to -- 15 Q. No, I understand that. Absolutely. 16 A. I'm trying to remember. I know I've said this 17 a number of times and been asked in many different ways. 18 So, if you could repeat your questions, I'd appreciate 19 it. 20 Q. Sure. Did you conduct any studies or analysis 21 or research to determine the burden of SB 14 or HB 112 22 on minority voters? 23 A. The analysis that we conducted was a variety 24 of -- it was widespread and the protections that we had 25 in the bill we felt addressed those issues. We</p>
<p style="text-align: right;">262</p> <p>1 MS. HALPERN: I think his answer was he 2 needed a copy of the case in front of him so he could 3 remember. 4 A. My recollection of Crawford was general in 5 terms of the -- there was a standard set out in the 6 opinion. And I would have to have -- it's been some 7 time since I've looked at the case so I would need to 8 have that in order to -- 9 Q. (By Mr. Ali) I understand. 10 A. -- glean the standard that was set out in 11 Crawford. 12 Q. Do you know what you did to comply with that 13 standard? 14 A. In regards to? 15 Q. In regards to Crawford. You identified that 16 there was a standard. Did you take any actions to 17 comply with the standard? 18 A. We felt that Senate Bill 14 was in compliance 19 with the Crawford decision as the Supreme Court ruled 20 it. 21 Q. Did you conduct any studies or analysis or 22 research to determine the burden of HB 12 or SB 14 on 23 minority voters? 24 MS. HALPERN: Objection, asked and 25 answered repeatedly today.</p>	<p style="text-align: right;">264</p> <p>1 attempted to get information from the Secretary of 2 State's Office on those without a driver's license. I 3 believe that's the research I've discussed earlier 4 today. 5 MR. ALI: All right. I'm done. 6 MS. HALPERN: Let's go off the record. 7 (Discussion off the record.) 8 EXAMINATION 9 BY MR. SCOTT: 10 Q. I want to make sure I understand a little more 11 about your personal situation. You work in Austin, 12 Texas, correct? 13 A. Correct. 14 Q. You work nowhere but Austin, Texas, correct? 15 A. Correct. 16 Q. You live in what city? 17 A. Austin. 18 Q. Okay. And no plans to move anywhere? 19 A. That's correct. 20 Q. All right. Now, you've got about 11 years of 21 experience I think you told Mr. Ali as far as working 22 for the Texas Legislature in various roles, correct? 23 A. That's correct. 24 Q. And you are currently employed still to this 25 day by the State of Texas through the -- in the</p>

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<p style="text-align: right;">265</p> <p>1 Legislature?</p> <p>2 A. Yes.</p> <p>3 Q. You work as general counsel for Senator Larry</p> <p>4 Taylor?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Now, back in 2011, you worked for</p> <p>7 Representative Patricia Harless, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Her district, home district, is in Harris</p> <p>10 County, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And Harris County is the most populace county</p> <p>13 in the state of Texas, correct?</p> <p>14 A. I believe so, yes.</p> <p>15 Q. And was that true back in 2011?</p> <p>16 A. I believe so.</p> <p>17 Q. With regard to information that you were</p> <p>18 provided to use and disseminate amongst the House</p> <p>19 members in support and carrying -- for Representative</p> <p>20 Harless carrying SB 14 in the House, were you provided</p> <p>21 any information or analysis of the -- any potential</p> <p>22 adverse effects or impact of SB 14 on minority groups?</p> <p>23 A. No.</p> <p>24 Q. As we sit here today, do you know whether the</p> <p>25 Department of Justice during 2011 ever contacted you or</p>	<p style="text-align: right;">267</p> <p>1 photo voter ID requirement.</p> <p>2 Q. Do you recall whether the favor -- when asked</p> <p>3 whether they favor or oppose requiring a valid photo ID</p> <p>4 before a person is allowed to vote, that 86 percent of</p> <p>5 Whites were in favor of it? Does that number ring a</p> <p>6 bell?</p> <p>7 A. That's sounds correct.</p> <p>8 Q. Do you recall that 82 percent of persons</p> <p>9 identifying themselves as Black were in favor of it?</p> <p>10 A. That's correct.</p> <p>11 MR. GEER: Objection, foundation. I'm not</p> <p>12 sure what poll we're even talking about.</p> <p>13 Q. (By Mr. Scott) And do you recall whether the</p> <p>14 information before the Legislature back in 2011</p> <p>15 regarding polling, relayed that 83 percent of Hispanics</p> <p>16 were in favor of a valid photo ID before a person is</p> <p>17 allowed to vote?</p> <p>18 A. That's sounds correct.</p> <p>19 Q. Based on a split of Republicans and Democrats,</p> <p>20 do you recall a number of about 94 percent of</p> <p>21 Republicans in favor of a valid photo ID before a person</p> <p>22 is allowed to vote back in 2011?</p> <p>23 A. I remember, yes, overwhelming support.</p> <p>24 Q. And do you remember that about 75 percent of</p> <p>25 Democrats voiced that they were favor -- in favor of a</p>
<p style="text-align: right;">266</p> <p>1 Representative Harless or the Senate sponsor, Senator</p> <p>2 Fraser, about any concerns that they had about SB 14</p> <p>3 back in 2011 before it was passed?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Do you know who Representative Sheila Jackson</p> <p>6 Lee is?</p> <p>7 A. Yes.</p> <p>8 Q. And she's a Houston area Representative in the</p> <p>9 United States Congress; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. And from somewhere in the Houston area?</p> <p>12 A. Yes.</p> <p>13 Q. Did she provide any type of research, analysis</p> <p>14 or other evidence of any potential adverse effect that</p> <p>15 SB 14 might have on any of her constituents?</p> <p>16 A. No.</p> <p>17 Q. As we sit here today, do you recall whether</p> <p>18 there was any information about polling that was done of</p> <p>19 Texas voters back in 2011 before the passage of SB 14</p> <p>20 with regard to their favor or opposition to potential</p> <p>21 Voter ID requirements to vote?</p> <p>22 MR. GEER: Objection, compound.</p> <p>23 Q. (By Mr. Scott) You can answer if you can.</p> <p>24 A. We were aware of polling data during the</p> <p>25 discussion that showed a majority of Texans supported a</p>	<p style="text-align: right;">268</p> <p>1 valid photo ID before a person is allowed to vote?</p> <p>2 A. Yes, I remember the number for Democrats was a</p> <p>3 majority of them.</p> <p>4 Q. Did -- was there any talk or communication that</p> <p>5 you recall back in the 2011 period -- and if this is</p> <p>6 getting into the legislative privilege, please feel free</p> <p>7 to assert it, whatever you need to, to preserve your</p> <p>8 position. But regarding why, when a bill, potential</p> <p>9 bill such as SB 14 was overwhelmingly supported by both</p> <p>10 Republicans and Democrats, why anyone would be opposed</p> <p>11 to the bill in the Legislature?</p> <p>12 MR. D'ANDREA: Objection, privilege</p> <p>13 MR. GEER: Objection --</p> <p>14 MR. D'ANDREA: You may answer under seal.</p> <p>15 MR. GEER: -- no foundation.</p> <p>16 Q. (By Mr. Scott) You may answer.</p> <p>17 A. Okay. I'm sorry, I didn't follow the question.</p> <p>18 If you could -- I'm sorry.</p> <p>19 MR. SCOTT: Could you read it back? I</p> <p>20 want to hear what it sounds like.</p> <p>21 (Requested portion was read back by the</p> <p>22 court reporter.)</p> <p>23 MR. GEER: And calls for speculation.</p> <p>24 Q. (By Mr. Scott) And again, I'm just curious</p> <p>25 about what you heard back then. And with all the</p>

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<p style="text-align: right;">269</p> <p>1 objections preserved, do you recall hearing anything or</p> <p>2 any of the potential proponents or opponents of SB 14</p> <p>3 articulating why there was such opposition from a</p> <p>4 polarized group?</p> <p>5 MS. HALPERN: And we will assert the</p> <p>6 legislative privilege to that question.</p> <p>7 But you go ahead and answer under seal.</p> <p>8 A. Okay. Why anybody would oppose SB 14 with the</p> <p>9 overwhelming support in the polls? I remember that was</p> <p>10 an issue that was brought up in some of the debates,</p> <p>11 yes.</p> <p>12 Q. (By Mr. Scott) And what was the basis that</p> <p>13 y'all had heard?</p> <p>14 A. That --</p> <p>15 MR. GEER: Asked and answered also.</p> <p>16 A. There -- it was a partisan political issue.</p> <p>17 Q. (By Mr. Scott) Well, was it a political --</p> <p>18 partisan political issue in 2011 with regard to SB 14</p> <p>19 with special interest groups that were opposed to the</p> <p>20 bill's passage, if you recall?</p> <p>21 MR. GEER: Objection, foundation, vague.</p> <p>22 A. I would say so.</p> <p>23 Q. (By Mr. Scott) Now, were all legislators given</p> <p>24 an opportunity to present evidence at SB 14 hearings?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">271</p> <p>1 Q. (By Mr. Scott) Now, Mr. Geer works for a</p> <p>2 division within the Department of Justice known as the</p> <p>3 Civil Rights Section, and --</p> <p>4 MS. HALPERN: Division.</p> <p>5 Q. (By Mr. Scott) -- Division. Are you aware of</p> <p>6 any communication which -- that Representative Harless</p> <p>7 or Senator Fraser received from the Civil Rights</p> <p>8 Division of the Department of Justice about any</p> <p>9 potential adverse effect that SB 14 might have on any</p> <p>10 group of citizens in the State of Texas?</p> <p>11 A. No. I'm not aware of any.</p> <p>12 Q. And prior to its passage? I'm sorry.</p> <p>13 A. I'm not aware of any communication.</p> <p>14 Q. Did they provide -- did the Department of</p> <p>15 Justice Civil Rights Division provide any research on</p> <p>16 any potential adverse effects that the passage of such a</p> <p>17 bill as SB 14 would have on any class of citizens in the</p> <p>18 state of Texas, voters in the state of Texas, to the</p> <p>19 Legislature, the Texas Legislature, prior to the passage</p> <p>20 of SB 14, to your knowledge?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. Do you believe that one of the purposes of SB</p> <p>23 14 was to instill confidence in the election process</p> <p>24 system in Texas?</p> <p>25 MR. GEER: Objection, asked and answered</p>
<p style="text-align: right;">270</p> <p>1 Q. And were those hearings also open to the</p> <p>2 public?</p> <p>3 A. Yes.</p> <p>4 Q. Were -- was any member of the public, including</p> <p>5 the special interest groups who opposed it, available --</p> <p>6 or able to present any evidence they had in opposition</p> <p>7 to SB 14?</p> <p>8 A. Yes.</p> <p>9 Q. Were you aware of any research, reports,</p> <p>10 studies that were provided to the House during any of</p> <p>11 the hearings on SB 14 in -- that supported the position</p> <p>12 that there would be an adverse on minority groups or</p> <p>13 special language groups or religious groups?</p> <p>14 A. I was not aware of any studies to that issue.</p> <p>15 Q. And for the benefit of the judge, what would</p> <p>16 have been your role as -- with Representative Harless</p> <p>17 and from a position of being aware or not aware of any</p> <p>18 presentation of studies that would represent such</p> <p>19 negative impacts or potential negative impacts as a</p> <p>20 result of the passage of SB 14 back the 2011?</p> <p>21 MR. GEER: And for the benefit of the</p> <p>22 judge, asked and answered.</p> <p>23 A. My -- my role in her office was to research and</p> <p>24 gather the information that was available on that issue,</p> <p>25 and I do not recall that information being provided.</p>	<p style="text-align: right;">272</p> <p>1 multiple times.</p> <p>2 A. Yes. That was one of the purposes of Senate</p> <p>3 Bill 14.</p> <p>4 Q. (By Mr. Scott) And do you believe that it</p> <p>5 accomplished its purpose?</p> <p>6 A. Yes, I believe so.</p> <p>7 Q. Do you have an opinion as to whether the Texas</p> <p>8 Legislature needs to have a prevalent widespread voter</p> <p>9 fraud before it enacts statutes to try and address</p> <p>10 potential voter fraud?</p> <p>11 MR. GEER: Objection, calls for</p> <p>12 speculation, vague.</p> <p>13 Q. (By Mr. Scott) I'm asking whether you have an</p> <p>14 opinion.</p> <p>15 A. I believe the presence of voter fraud was a --</p> <p>16 reason enough to -- there was a lack of confidence in</p> <p>17 voting; that was a reason to move forward with Voter ID</p> <p>18 legislation.</p> <p>19 Q. Were you aware if other Representatives in the</p> <p>20 House, Representative Harless and other Representatives</p> <p>21 were made aware of the polling information that we</p> <p>22 discussed earlier in your deposition, prior to the</p> <p>23 passage of SB 14?</p> <p>24 A. Yes. That was an issue discussed during the</p> <p>25 debate.</p>

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<p style="text-align: right;">273</p> <p>1 Q. Would that also have been true on the Senate 2 side?</p> <p>3 A. I believe that was discussed on the Senate side 4 as well.</p> <p>5 Q. Following up on one of the earlier questions, 6 were you aware of any occasion where people offer 7 amendments even though they know they don't have the 8 votes to get it adopted?</p> <p>9 A. Yes.</p> <p>10 Q. And do you believe that happened during the SB 11 14 debate?</p> <p>12 A. Yes.</p> <p>13 Q. Are you aware of any legislator who -- let's -- 14 are you aware of an amendment about similar names with 15 regard to SB 14 on how they were to be handled? An 16 amendment?</p> <p>17 A. That was an amendment that was added in the 18 Senate.</p> <p>19 Q. And it was an amendment -- do you know who 20 proposed the amendment?</p> <p>21 A. Senator Davis, Senator Wendy Davis.</p> <p>22 Q. And she's a Democrat?</p> <p>23 A. Correct.</p> <p>24 Q. And her amendment was adopted?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">275</p> <p>1 A. Yes.</p> <p>2 Q. And did Senator Hinojosa then vote for the 3 passage of the bill after his amendment was adopted?</p> <p>4 A. I don't recall how he voted on that issue.</p> <p>5 MR. SCOTT: Mercifully, I reserve any 6 further questions until time of trial, but I don't think 7 we're going to ask you many.</p> <p>8 Thank you for your time.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 MR. SCOTT: That's it.</p> <p>11 THE WITNESS: Thank y'all.</p> <p>12 MR. GEER: If you'll allow me, I actually 13 need to ask one follow-up question.</p> <p>14 MS. HALPERN: You have no more time. I'm 15 so sorry.</p> <p>16 MR. GEER: Aren't we entitled to --</p> <p>17 MS. HALPERN: Not if -- not if the time is 18 gone.</p> <p>19 MR. GEER: -- follow up on your follow-up?</p> <p>20 MS. HALPERN: He was supposed to leave 21 time in case you had questions.</p> <p>22 MR. GEER: Fair enough.</p> <p>23 MR. SCOTT: But just -- just so we don't 24 end up in a problem in the future --</p> <p>25 MR. GEER: There is no problem --</p>
<p style="text-align: right;">274</p> <p>1 Q. And it is now a part of the Voter ID law that 2 relates to similar names and how they are to be handled 3 at polling places, correct?</p> <p>4 A. Yes. That language remained in the bill 5 throughout the process.</p> <p>6 Q. And did she end up voting for the bill --</p> <p>7 A. No.</p> <p>8 Q. -- after her amendment was adopted?</p> <p>9 A. I do not believe she did.</p> <p>10 Q. Do you recall if there was amendment on the 11 concealed handgun license -- ability of a voter to use 12 their concealed handgun license for purposes of 13 qualifying as a proper voter ID?</p> <p>14 A. Yes. That, I believe also was an amendment 15 offered in the Senate.</p> <p>16 Q. And do you recall who made that amendment?</p> <p>17 A. I believe that amendment was offered by Senator 18 Hinojosa.</p> <p>19 Q. And do you recall whether Senator Van de Putte 20 was also co-sponsor of that?</p> <p>21 A. I don't recall.</p> <p>22 Q. And do you recall if that amendment was 23 adopted?</p> <p>24 A. That amendment was adopted.</p> <p>25 Q. And Senator Hinojosa is a Democrat?</p>	<p style="text-align: right;">276</p> <p>1 MR. SCOTT: -- if there's truly a 2 question, we beg of you, Counsel, please. I beg, 3 please.</p> <p>4 MS. HALPERN: He hasn't even closed the 5 record. I mean, I'd give him his one question but he 6 wouldn't --</p> <p>7 Would you close the record if I give you 8 your one question?</p> <p>9 MR. GEER: No. I withdraw my attempt to 10 ask an additional question.</p> <p>11 MS. HALPERN: Okay. It's withdrawn. I 12 haven't denied it.</p> <p>13 All right. We're done.</p> <p>14 MR. GEER: But I hold the deposition open.</p> <p>15 MS. HALPERN: Well, that's fine.</p> <p>16 We're going to read and sign.</p> <p>17 (Deposition concluded at 7 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">277</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 RE: VEASEY, ET AL. VS. PERRY, ET AL.</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 I, COLBY BEUCK, have read the foregoing deposition</p> <p>21 and hereby affix my signature that same is true and</p> <p>22 correct, except as noted above.</p> <p>23 _____</p> <p>24</p> <p>25 COLBY BEUCK</p>	<p style="text-align: right;">279</p> <p>1 BELINDA ORTIZ, et al.,)</p> <p>2)</p> <p>3 Plaintiffs,)</p> <p>4 VS.) CIVIL ACTION NUMBER:</p> <p>5) 2:13-CV-348(NGR)</p> <p>6 STATE OF TEXAS, et al.,)</p> <p>7)</p> <p>8 Defendants.)</p> <p>9 _____)</p> <p>10</p> <p>11 REPORTER'S CERTIFICATION</p> <p>12 DEPOSITION OF</p> <p>13 COLBY BEUCK</p> <p>14 JUNE 20, 2014</p> <p>15 I, Chris Carpenter, Certified Shorthand Reporter in</p> <p>16 and for the State of Texas, hereby certify to the</p> <p>17 following:</p> <p>18 That the witness, COLBY BEUCK, was duly sworn by the</p> <p>19 officer and that the transcript of the oral deposition</p> <p>20 is a true record of the testimony given by the witness;</p> <p>21 That the deposition transcript was submitted on the</p> <p>22 _____ day of _____, 2014, to the witness or to the</p> <p>23 attorney for the witness for examination, signature and</p> <p>24 return to _____,</p> <p>25 by _____, 2014, and if returned,</p> <p>the original transcript will forwarded to Amy Rudd, the</p> <p>custodial attorney;</p> <p>That the amount of time used by each party at the</p> <p>deposition is as follows:</p> <p>Ms. Rudd: 4 hours, 19 minutes</p> <p>Mr. Geer: 2 hours, 13 minutes</p> <p>Mr. Ali: 18 minutes</p>
<p style="text-align: right;">278</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 CORPUS CHRISTI DIVISION</p> <p>4 MARC VEASEY, et al.,)</p> <p>5)</p> <p>6 Plaintiff,)</p> <p>7 VS.) CIVIL ACTION NUMBER:</p> <p>8) 2:13-CV-193 (NGR)</p> <p>9 RICK PERRY, et al.,)</p> <p>10)</p> <p>11 Defendants.)</p> <p>12 _____)</p> <p>13 UNITED STATES OF AMERICA,)</p> <p>14)</p> <p>15 Plaintiff,)</p> <p>16 VS.) CIVIL ACTION NUMBER:</p> <p>17) 2:13-CV-263 (NGR)</p> <p>18 TEXAS LEAGUE OF YOUNG VOTERS)</p> <p>19 EDUCATION FUND, et al.,)</p> <p>20)</p> <p>21 Plaintiff-Intervenors,)</p> <p>22)</p> <p>23 TEXAS ASSOCIATION OF HISPANIC)</p> <p>24 COUNTY JUDGES AND COUNTY)</p> <p>25 COMMISSIONERS, et al.,)</p> <p>Plaintiff-Intervenors,)</p> <p>VS.)</p> <p>STATE OF TEXAS, et al.,)</p> <p>Defendants.)</p> <p>_____)</p> <p>TEXAS STATE CONFERENCE OF)</p> <p>NAACP BRANCHES, et al.,)</p> <p>Plaintiffs,)</p> <p>VS.) CIVIL ACTION NUMBER:</p> <p>2:13-CV-291(NGR)</p> <p>NANDITA BERRY, et al.,)</p> <p>Defendants.)</p>	<p style="text-align: right;">280</p> <p>1 Mr. Scott: 17 minutes</p> <p>2 I further certify that I am neither counsel for,</p> <p>3 related to, nor employed by any of the parties or</p> <p>4 attorneys in the action in which this proceeding was</p> <p>5 taken, and further that I am not financially or</p> <p>6 otherwise interested in the outcome of the action.</p> <p>7 Certified to by me this 23rd of June, 2014</p> <p>8</p> <p>9</p> <p>10  </p> <p>11 Chris Carpenter, Texas CSR 1151</p> <p>12 Expiration Date: 12/31/2014</p> <p>13 701 Brazos, Suite 380</p> <p>14 Austin, TX 78701</p> <p>15 (512)292-4249</p> <p>16</p> <p>17 Firm Registration No. 344</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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